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1.1 Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA), MA Disability Law

It is the policy of the Town of Ware to comply with all the relevant and applicable provisions of the federal Americans with Disabilities Act (ADA) and Pregnancy Discrimination Act (PDA), as well as state and local laws concerning the hiring and employment of individuals with temporary and ongoing disabilities. Pregnant workers may also have impairments related to their pregnancies that qualify under the ADA. The Company will not discriminate against any qualified employee or job applicant because of a person's physical or mental disability with respect to any terms, privileges or conditions of employment, including, but not limited to hiring, advancement, discharge, compensation and training.

The Town is committed to providing reasonable accommodations for all qualified individuals with disabilities who are current employees or applicants for employment. Human Resources is the designated office that obtains and files disability-related and medical documents, certifies eligibility for services, and develops plans for provision of such accommodations for all employees and applicants for employment at the Town.

Reasonable Accommodation Defined: A reasonable accommodation is an alteration or modification of the job, an employment practice, or work environment that allows an individual with a disability to enjoy an equal employment opportunity, without imposing an undue hardship upon the Town. Every reasonable accommodation determination will be made on an individual basis, based on the specific abilities and functional limitations of a particular employee or applicant with a disability and the specific functional requirements of a particular job. A disability is defined as a physical, mental, or medical condition or impairment that is demonstrable by medically accepted clinical or laboratory diagnostic techniques; a record of such impairment; or being regarded as having such an impairment. Undue Hardship is defined as an action requiring significant difficulty or expense by the employer. What constitutes an undue hardship is determined on a case-by-case basis taking into account, among other factors, the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the Town's operation and the impact of the accommodation on the Town's operation.

Essential Functions are the basic job duties that an employee must be able to perform, with or without a reasonable accommodation. At the Town, the essential functions of the position are identified in the Job Description.

Procedure Requests for Accommodations: All employees or applicants for employment requesting an accommodation should contact Human Resources. Human Resources will maintain all communications and related documentation regarding accommodations as confidential, sharing on a need to know basis as necessary to evaluate or arrange such accommodations. Information provided shall not be used as criteria in making a future employment decision.

The Town Manager is responsible for addressing any concerns and investigating complaints of non-compliance with approved disability-related accommodations.

1.2 COBRA - Consolidated Omnibus Budget Reconciliation Act

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives The Town of Ware employees and their qualified beneficiaries the opportunity to continue benefit coverage under the employer's medical plans, dental plans, vision plan, and flexible spending accounts when a "qualifying event" would normally result in the loss of eligibility.

The Benefits Coordinator will provide each eligible employee with a written notice describing rights granted under COBRA when notified of a qualifying event. The notice contains important information about the cost, rights and obligations of the employee and/or beneficiaries. Failure to timely comply with the notice may result in a loss of insurance coverage.

Qualifying Events

Following are common examples of qualifying events:

- Termination of employment
- Death of the employee
- Reduction in work hours
- Divorce
- Retirement (if not eligible for retiree medical insurance)
- Loss of eligibility by a dependent child

Length of Coverage

Coverage may continue for differing lengths of time depending upon the reason for eligibility. The time limitations are:

- Up to 18 months if loss of coverage is due to termination of employment or reduction in work hours
- Up to 36 months for dependents if loss of coverage is due to death, divorce, or a dependent child's loss of eligibility
- Up to 29 months if the individual is disabled at the time of eligibility for continued coverage or is disabled within 60 days of eligibility for continued coverage

Cost of Coverage

Under extended coverage, the eligible individual pays full cost of coverage at the employer's group rate plus a 2% administrative fee.

Termination of Continued Coverage

Continued coverage may terminate if:

- The individual becomes covered by another group plan (including Medicare),
- The individual fails to pay the required premium within the established grace period, or
- The employer no longer offers the plan(s) to its active employees.

Employee Responsibility

The Town of Ware makes every effort to comply with the guidelines regarding an employee's and qualified dependent's rights under COBRA. Under certain circumstances such as divorce and dependent eligibility, it is the employee's responsibility to advise the Benefits Coordinator so the extended coverage may be offered to the employee's dependents. It is imperative that each employee keep Human Resources informed of the status of his/her family life, address changes, and age of dependents.

1.3 Conflict of Interest Law

The purpose of this policy is to ensure that Town employees and officials comply with the requirements of M.G.L. Ch 268A, which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law, as outlined below.

This policy applies to all employees of the Town of Ware (excluding those employees under the supervision and control of the School Committee) vendors, contractors, officials and members of the municipal community. A Summary of the Law is provided to each employee at hire and then annually.

Town employees and officials may not:

1. Ask for or accept anything (regardless of its value) if it is offered in exchange for you agreeing to perform or not perform an official act.
2. Ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes, and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer," provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
3. Hire, promote, supervise or otherwise participate in the employment of your immediate family or your spouse's immediate family.
4. Take any type of official action which will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not participate in licensing or inspection processes involving a family member's business.
5. Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director, or trustee. For instance: you may not take any official action regarding an "after hours" employer, or its geographic competitors; you may not participate in licensing, inspection, zoning, or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact that organization or its competitors.
6. Have more than one job with the same municipality or county or more than one job with the state, unless you qualify for an exemption.
7. Have a financial interest in a contract with your public employer except under special circumstances. For instance: if you are a Town employee, a company you own may not be a vendor to that Town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
8. Represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
9. Ever disclose confidential information, data, or material which you gained or learned as a public employee.

10. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure.
11. Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to you officially to propose private business dealings.
12. Use public resources for political or private purposes. Examples of "public resources" include: computers, phones, fax machines, postage machines, copiers, cars, staff time, sick time, uniforms, and official seals.
13. After leaving public service, take a job involving public contracting or any other particular matter in which you participated as a public employee.

Mandatory Training

All employees and officials shall participate and comply with the required training provisions of M.G.L. Ch. 268A. A link to the online training will be provided to employees at hire and is available in the Human Resources office and from the Town Clerk.

Existing employees are required to complete the training every two (2) years, as well as receive a copy of the "Conflict of Interest Law Summary" annually. The Town Clerk will notify employees when they are required to re-test and will provide the annual summaries.

1.4 Domestic Violence Act – Employment Leave Policy

The Town of Ware is committed to the health and safety of our employees and their families. Should an employee or their family member be a victim of domestic violence or abusive behavior, they are encouraged to communicate with the HR Director or the Town Manager about requesting leave. This policy outlines the basic procedures and rights afforded an employee under the Domestic Violence Act, M.G.L. c.149, s.52E.

An employee may take up to a maximum of 15 days of protected leave in a 12-month period, if either the employee or their family member:

- Is the victim of abusive behavior (such as domestic violence, stalking, sexual assault, or kidnapping);
- Is seeking medical attention, counseling, legal or other victim services directly related to the abusive behavior against the employee or family member of the employee.

For purposes of this policy, a family member includes not only legally married spouses but also:

- Persons “in a substantive dating or engagement relationship” AND who reside together;
- Persons having a child in common regardless of whether they have ever married or resided together;
- A parent, step-parent, child, step-child, sibling, grandparent or grandchild; or
- Persons in a guardianship relationship.

Employees must use all available personal, sick, and vacation time before requesting leave under this policy. Leave under this policy will be unpaid. Employees are required to provide advance notice of this leave unless there is an imminent danger to their immediate health and safety (in which case - we must receive notification within 3 workdays that the leave was taken or is being taken for reasons covered by this policy).

Employees must complete a request form and provide documentation evidencing that they or their family member has been a victim of domestic violence or abusive behavior within 30 days of the leave request. Such forms of documentation may include:

- A court issued protective order;
- An official document from a court, provider, or public agency;
- A police report or statement of a victim or witness provided to the police;
- Official legal documentation attesting to perpetrator’s guilt;
- Medical documentation of treatment for the abusive behavior;
- A sworn statement from the employee attesting to being a victim of abusive behavior; or
- A sworn statement from a professional who has assisted the employee or the employee’s family, for example, a counselor, a social worker, or a member of the clergy.

All information and documentation related to this leave will be kept confidential by the HR Director but only for as long as required to make a determination as to whether the employee is eligible for leave. This information shall not be disclosed except to the extent that disclosure is:

- Requested or consented to, in writing, by the employee;
- Ordered to be released by a court;
- Otherwise required by applicable federal or state law;
- Required by applicable federal or state law;
- Required in the course of an investigation authorized by law enforcement; or
- Necessary to protect the safety of anyone employed at the workplace.

Alleged perpetrators of domestic violence are not entitled to leave under this statute.

Provided that all required documentation has been provided, employment is protected for leave taken under this policy. Upon the employee's return from such leave the employee is entitled to restoration to the employee's original job or to an equivalent position. The HR Director will document and keep track of the use of this leave.

1.5 Drug and Alcohol-Free Workplace Policy

The Town of Ware seeks to ensure a safe, healthy, and productive work environment for all employees. Evidence clearly indicates that alcohol and other drug abuse by employee's results in low productivity, high absenteeism, excessive use of medical benefits and a risk to personal safety as well as that of co-workers. In a good faith effort to comply with the Drug Free Workplace Act of 1988, in accordance with 41 USCS – 701-707, the Town of Ware prohibits the use of alcohol and/or illegal drugs/controlled substances on the Town of Ware premises while conducting Town of Ware business. It is prohibited for any employee of the Town of Ware to unlawfully manufacture, distribute, dispense, possess, or use controlled substances at the workplace or on other premises while conducting Town of Ware business. Controlled substances are defined for the purposes of this policy as those groups of drugs whose use is limited or prohibited by federal and/or state law.

As set forth in greater detail below, Town employees may be subject to alcohol and drug testing. In the case of a drug test, such test shall be conducted in accordance with the United States Health and Human Services Department procedures including, confirmatory test, split sample, medical officer review and appeal, and allowing the employee to elect a separate confirmatory test at his/her expense.

A. General Policy Regarding Drugs and Alcohol in the Workplace

1. The use of drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment.

a. In accordance with the Federal Drug Free Workplace Act, the use, sale or possession of narcotics, illegal drugs, or controlled substances while on the job or on Town property conducting Town business is prohibited and an offense warranting disciplinary action up to and including termination of employment.

b. Similarly, Town employees who are under the influence of narcotics, illegal drugs, or controlled substances while on the job may be subject to disciplinary action up to and including termination of employment.

c. Town employees who are under the influence of alcohol, either on the job or when reporting for work, or who possess or consume alcohol during work hours, have the potential for interfering with their own as well as their co-workers' safe and efficient job performance. Such conditions will be the basis for disciplinary action up to and including termination of employment.

d. Town employees are expected to follow any directions of their health care provider concerning prescription medications and must immediately notify their supervisor if any prescription drug is likely to have an impact on job performance. In addition, notification must be given at the time of any testing or screening as to any drugs or medicine being taken.

e. Any employee, while on Town property conducting town business or during the employee's work shift, including without limitation all breaks and meal periods, who consumes, sells, or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository, alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, may be placed on administrative leave immediately pending further investigation. If use, sale, or possession is substantiated, disciplinary action, up to and including termination will be imposed.

f. The Town is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.

g. If at any time a Town employee volunteers to enter a chemical dependency program, he/she will enter without fear of disciplinary action being taken against him/her as a direct result of seeking treatment, where such a program is designed to provide care and treatment to employees who need rehabilitation. Details concerning the treatment any employee receives at this program shall remain confidential and shall not be released to the public.

B. Prohibited Conduct

1. The Town prohibits the following conduct by Town employees:

a. The possession, distribution, dispensation, transfer, manufacture, use, purchase/attempt to purchase, or sale of any illegal narcotics, drugs, or controlled substances, including but not limited to marijuana;

b. The possession or use of alcohol while on duty, or while using Town vehicles or facilities, whether on or off Town premises;

c. Using, or reporting to work impaired by, or under the influence of, alcohol, or any prescription or over-the-counter drug, including marijuana that is legally prescribed for medicinal purposes under Massachusetts state law;

d. Driving under the influence of alcohol or drugs; and

e. Performing duties or using Town equipment or vehicles while impaired by, or under the influence of, alcohol or drugs, including the use of medical marijuana;

2. Any employee who is arraigned for a drug-related offense or for driving while intoxicated must notify their respective Department Head immediately, regardless of whether the conduct occurred while on duty.

C. Policy Regarding Drug and Alcohol Testing

1. CDL Holders

a. It is the policy of the Town to comply fully with the regulations mandating pre-employment, random, reasonable suspicion and post-accident drug and alcohol testing issued by the U.S. Department of Transportation ("DOT"). This policy contains the requirements of the regulations, except where indicated that a particular provision is based on the authority of the Town.

b. Under the regulations, performance of DOT safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken. In addition, the Town prohibits the performance of any safety-sensitive function by an employee with a breath alcohol concentration of .02 percent or greater.

c. Use of drugs by safety-sensitive drivers is prohibited.

- d. A driver is performing a safety-sensitive function at the following times:
 - i. All time on Town property, public property, or other property waiting to be dispatched or drive;
 - ii. All time inspecting, servicing or conditioning any commercial motor vehicle at any time;
 - iii. All driving time;
 - iv. All time other than driving time in or upon any commercial motor vehicle;
 - v. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded;
 - vi. All time spent performing driver requirements relating to accidents;
 - vii. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

2. Non-CDL Holders

It is the policy of the Town to test for drugs and alcohol for:

- a. applicants for designated positions that do not require a Commercial Driver's License for drugs and alcohol in accordance with this policy;
- b. employees where probable cause exists for such testing for drug and alcohol use.

D. Procedures

1. Types of Tests for CDL Applicants and CDL Holding Employees

To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. The following tests are required:

- a. **Pre-employment (Pre-use)** -- All applicants for employment in positions requiring a Commercial Driver's License (pre-employment), or candidates for transfer or promotion to such a position (pre-use), are subject to screening for use of controlled substances.
- b. **Post-Accident** -- conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene. Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within 32 hours.
- c. **Reasonable suspicion** -- conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or drug use. If a driver's behavior or appearance suggests alcohol or drug use, a test must be conducted. If a test cannot be administered, the driver must be removed

from performing safety-sensitive duties for at least 24 hours and may be placed on administrative leave. Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion.

d. Random -- conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs for CDL drivers. Each year, the number of random alcohol tests conducted by the Town must equal at least 10% of all the safety-sensitive drivers. Random drug tests conducted by the Town must equal at least 50% of all safety-sensitive drivers.

e. Return to Duty and Follow-up -- conducted when an individual who has violated the alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty.

2. Types of Tests for Non-CDL Applicants and Non-CDL Employees

a. Pre-employment -- With their consent, all applicants for employment in designated positions that do not require a Commercial Driver's License (pre-employment), are subject to screening for use of controlled substances.

b. Probable Cause -- conducted when a trained supervisor or manager observes behavior or appearance that gives probable cause of alcohol or drug use. If facts and circumstances warrant a reasonable belief that a non-CDL employee more probably than not has used alcohol or drugs, a test must be conducted.

3. Conducting Tests

Tests will be conducted in accordance with DOT and U.S. Department of Health and Human Services rules and procedures, as more fully set out below. An employee who tests positive may be subject to discipline up to and including termination.

a. Alcohol--Breath testing shall be conducted using evidential breath testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.01 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.01 or greater, a second, confirmation test must be conducted.

b) Drugs

i. Drug testing is conducted by analyzing an employee's urine specimen and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification, and integrity are not compromised.

ii. A split specimen shall be obtained as follows. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the employee has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

iii. All urine specimens are analyzed for the following drugs:

Marijuana (THC metabolite)

Cocaine

Amphetamines

Opiates (including heroin)

Phencyclidine (PCP)

iv. Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug.

v. All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the employee and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative result. (Employees, however, are required to notify their Department Head of any legal use of prescription drugs that may affect the employee's ability to safely and effectively perform his duties.)

4. Refusal to Submit to an Alcohol or Drug Test and the Consequences.

Refuse to submit (to an alcohol or controlled substances test) means that an employee: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this Part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this Part; or (3) engages in conduct that obstructs the testing process.

Pursuant to the Town's authority, employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

5. Consequences of Alcohol/Drug Misuse

a. Employees who have any alcohol concentration (defined as 0.02 or greater) who tested just before, during or just after performing safety-sensitive functions shall be removed from performing such duties for 24 hours. All other employees shall be removed from their shift for the day.

Disciplinary action may be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04).

b. Employees who engage in prohibited alcohol or drug conduct (that is, who test positive for alcohol use greater than 0.04 or drug use) shall be immediately removed from safety-sensitive functions. All other employees shall be removed from their shift.

Employees who are serving a probationary period will be subject to termination. Non-probationary employees will be subject to discipline, up to and including termination from employment. Non-probationary employees may be offered an opportunity for rehabilitation. Non-probationary employees who are not terminated will be required to comply with subsection 5.c. below. Failure of a non-probationary employee to complete the requirements of subsection 5.c. may result in termination from employment.

c. Employees who engage in prohibited alcohol or drug conduct who are not subject to termination from employment and are permitted to continue employment with the Town of Ware shall be evaluated by a substance abuse professional (SAP) and comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). Employees will be placed on non-occupational sick leave or leave without pay status during the treatment period, whichever is appropriate.

d. Employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02 and are drug-free, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.

e. Pursuant to the Town's authority, employees who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy during the next five years will be subject to being terminated immediately.

Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent assignment. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

f. Employees in non-safety-sensitive positions who fail alcohol or drug tests under this Policy may be placed on administrative leave and shall be subject to discipline, including termination.

E. Information/Training

1. All current and new Town employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All Town employees shall receive a copy of this Policy and must sign the Confirmation of Receipt.

2. This policy will be posted on all employee bulletin boards and will be available to all Town employees online.

3. Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre- and post-employment drug screening and testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees, and the public.

4. Applicable recruitment advertising will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.

5. All final candidates for employment in positions within the Town will be given a copy of this policy and be given the opportunity to read the policy in its entirety.

F. Record Keeping

1. The Town shall keep detailed records of its alcohol and drug prevention program.

2. Alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the Town, the substance abuse professional, the MRO, and any arbitrator of a grievance. Any other release of this information may only be made with the employee's consent, or in response to a court order or subpoena.

G. Pre-employment References

1. The Town shall obtain and review the following information from each employer that the prospective driver worked for, in a safety-sensitive position, during the previous two years: information about a test in which the employee's blood alcohol was 0.04 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.

2. The prospective employee must provide the former employer with a written release allowing the release of this information or he/she will not be hired.

3. If the previous employer indicates that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has already consulted with a substance abuse professional, already received recommended treatment, and subsequently tested negative in a return to duty test for the former employer and is otherwise qualified.

4. The Town shall provide the same information to subsequent employers of current Town employees when provided with a written release by the employee.

H. Questions

Any employee with a question regarding this Policy should contact the Town Manager, Human Resources, or his/her supervisor.

1.6 The Massachusetts Equal Pay Act

The Town of Ware will comply with the Massachusetts Equal Pay Act, M.G.L.c. 149, 105A, which prohibits discrimination based on gender in the payment of wages. The town will not pay an employee less than it pays an employee of a different gender performing comparable work. Comparable work is work that requires substantially similar skill, effort, and responsibility, and is performed under similar working conditions.

The law permits differences in pay for comparable work only when based on one or more of the following:

1. A seniority system
2. The geographic location of the jobs
3. Production, sales, or revenue-based systems of pay
4. Job-related differences in education, training, or experience
5. A merit system
6. Difference in travel required by the jobs

In compliance with the Equal Pay Act, Town officials and managers will not ask job applicants how much they have been paid in previous positions until a job offer has been made, which includes compensation. The Town job applications will not include questions regarding what the applicant received for compensation in previous jobs.

The town will not make further employment decisions based on how much a person made at a previous position. Employees are permitted to discuss their own wages with coworkers and will not be retaliated against for exercising their rights under the Equal Pay Act.

Violation complaints can be filed with the Attorney General's Office or the MCAD.

1.7 Fair Labor Standards Act

The Town of Ware will comply with all sections of the Fair Labor Standards Act that apply to municipalities. FLSA is a federal law which establishes minimum wage; payment of wages and overtime pay eligibility, recordkeeping, rules for breaks and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments.

Requirements

The FLSA requires the Town to:

1. Pay all covered non-exempt employees, for all hours worked, at least the Federal minimum wage;
2. Pay at least one and one-half times the non-exempt employees' regular rates of pay for all hours worked over forty (40) in the work week;
3. Comply with the youth employment standards;
4. Comply with the recordkeeping requirements; and
5. Comply with pay rules regarding on-call, training, meetings, and travel time as well as rest periods, meals and breaks.

Classifications

Non-Exempt Employee: Full, Part time, or Temporary employees who are required to be paid overtime at the rate of time and one half their regular rate of pay for hours worked over 40 in the work week.

Exempt Employee: Full, Part time or Temporary employees who are not required by law to be paid overtime in accordance with FLSA. Executives, Department Heads, professional employees, outside sales representatives, and certain employees in administrative positions are typically classified as exempt.

The following Town of Ware classifications can be either non-exempt or exempt. Employees will be informed of their classification upon hire or if their status changes due to a promotion or change in duties.

Regular Full Time Employee: An employee who has been hired into an established position that normally requires a 37.5 to 40-hour work week.

Regular Part Time Employee: An employee who has been hired into an established position who is scheduled to work 18.75 to 20 or more hours in a work week but less than 37.5 hours per work week.

Limited Status: Continuous, year-round employment for less than 50% of the full-time level for a specific job class.

Temporary Employee: An employee that has been hired into a position of limited duration for a special project or established position not to exceed twelve (12) months. Each temporary position held by an employee is considered separately in determining the employee's status. If an employee holds a series of consecutive temporary positions, they will be designated as a Temporary Employee.

Overtime Pay

Employees that are classified as non-exempt will receive compensation for approved overtime work. The overtime rate is calculated at time and one half of the employee's regular rate of pay for all hours worked over 40 in a work week. The Town's work week is Sunday – Saturday. Department Heads will attempt to provide employees with reasonable notice when the need for overtime arises. There may be times, however, when advance notice may not be possible. Under no circumstances is an employee authorized to work overtime without their supervisor's prior approval.

Compensatory Time

Town Employees may receive compensatory time-off, at a rate of not less than one- and one-half hours for each overtime hour worked, instead of cash overtime pay. FLSA regulations allow Police, Fire, and Emergency Response personnel to accrue up to 480 hours of comp time; all other employees may accrue up to 24 hours. An employee is permitted to use comp time on the date requested unless doing so would "unduly disrupt" the department's operations. Prior approval must be received from the employee's Department Head. All comp time must be used by the end of the fiscal year annually and cannot be carried to the next fiscal year.

Exempt Employee

The Town complies with the salary basis requirements of the Fair Labor Standards Act (FLSA) and does not make improper deductions from the salaries of exempt employees. Exempt employees are those employed in a bona fide executive, administrative or professional capacity and who are exempt from the FLSA's overtime pay requirements.

Recordkeeping Requirements

The town will keep the following FLSA required records in the Accounting Department for each non-exempt employee:

1. Employee's full name and social security number
2. Address, including zip code
3. Birthdate
4. Sex
5. Job Title
6. Hours of work and work week parameters
7. Total hours worked each week, including overtime hours
8. Basis on which employee's wages are paid: \$9 per hour, \$440 per week, etc.
9. Regular hourly rate
10. All additions or deductions from the employee's wages
11. Date of payment of wages and the pay period covered by the payment

Non-exempt Employees are required to keep an accurate record of their time worked. This can be done by using a time clock or paper time sheet. Falsifying time records is a violation and subject to discipline up to and including termination of employment.

Meal Breaks

Town employees are required to take an unpaid 30-minute meal break if they are required to work more than six (6) hours in a day. Employees will be relieved of all work duties during their meal break. Department Heads will schedule the meal breaks to insure adequate coverage. Meal breaks cannot be used at the beginning or end of a work shift.

1.8 Families First Coronavirus Response Act

On Wednesday, March 18, 2020 President Donald Trump signed into law the “Families First Coronavirus Response Act (FFCRA or Act)”. This Act requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

ELIGIBLE EMPLOYEES:

An employee is entitled to take FFCRA leave, which is related to COVID-19, if the employee is unable to work, including unable to telework.

A part-time employee is eligible for leave based on the number of hours he/she is normally scheduled to work.

EMERGENCY PAID LEAVE ACT INFORMATION:

Employees may receive up to two weeks (80 hours), or a part-time employee’s two-week equivalent, of paid sick leave based on their regular rate of pay, paid at:

- 100%, up to \$511 daily and \$5,110 total, for the following qualifying reasons:

1. Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Employee has been advised by a health care provider to self-quarantine related to COVID-19;
3. Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

- 2/3, up to \$200 daily and \$2,000 total, for the following qualifying reasons:

4. Employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. Employee is caring for his or her child under the age of 18 whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons; or
6. Employee is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

EMERGENCY FAMILY MEDICAL LEAVE ACT INFORMATION:

Employees who have been employed for at least 30 days prior to the bill’s enactment may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave. This will be paid at 2/3, up to \$200 daily and \$10,000 total, for the following reason:

1. Employee is caring for his or her child under the age of 18 whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons.

PROCESS TO REQUEST TIME:

If an employee would like to request leave under the Emergency Paid Leave Act and/or the Emergency Medical Leave Act, they should request the Families First Coronavirus Response Act Leave Request Form from the Town Manager.

ADDITIONAL INFORMATION REGARDING PENSIONABLE MONIES:

For those employees who participate in the Town's Retirement System, sick leave paid to members under the Families First Coronavirus Response Act (FFCRA) are consistent with regular compensation requirements, and retirement contributions should be withheld from payments which invoke the FFCRA.

FFCRA payments of sick leave are to be treated similarly as sick leave payments made to an employee which draw upon the employee's own accrued leave. An employee receiving FFCRA paid sick leave should have no break in service, and should continue to receive credit towards retirement, just as the employee would if using his or her own leave.

1.9 Family and Medical Leave Act - FMLA

The Town of Ware provides leave in accordance with the Federal Family and Medical Leave Act. Eligible employees can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- a. The birth of a child or placement of a child for adoption or foster care;
- b. To bond with a child (leave must be taken within one year of the child's birth or placement);
- c. To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- d. For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; or
- e. For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

An employee does not need to use FMLA leave in one block. When it is medically necessary, employees may take leave intermittently. The minimum amount of intermittent time is one hour. Employees are required to use their available accrued paid leave while taking FMLA leave.

While an employee is on FMLA leave, the Town of Ware will continue health insurance coverage as if the employee were not on leave. Employees will need to make prior arrangements to pay their portion of the bi-weekly premium on schedule so there is no loss of coverage.

Upon return from FMLA leave, most employees will be restored to the same job or one similar to it with equivalent pay, benefits, and other employment terms and conditions.

An employee must meet the following criteria in order to be eligible for FMLA leave. The employee must:

- a. Have worked for the Town of Ware for at least 12 months; and
- b. Have at least 1,250 hours of service in the 12 months before taking leave

Employees are required to give their Department Head a 30-days' advance notice of the need for FMLA leave. If it is an emergency and the employee is not able to give the 30-days' notice, the employee must notify their Department Head as soon as possible and follow the Town of Ware absent from work policy.

The HR Manager will administer the leave; process the request, notify the employee of FMLA rights and responsibilities, provide appropriate forms, track the leave, and communicate with the employee while they are on FMLA leave.

Employees must provide enough information so it can be determined if the leave qualifies for FMLA protection. Sufficient information could include:

- 1. information that the employee is or will be unable to perform his or her job functions;
- 2. that a family member cannot perform daily activities; or
- 3. that hospitalization or continuing medical treatment is necessary.

Once the HR Director becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employee will be notified if he or she is eligible for FMLA leave and, if eligible, will receive a notice of their rights and responsibilities. If the employee is not eligible, the HR Director will provide a reason for ineligibility. Employees will be notified in writing by the HR Director if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Request forms and detailed information regarding FMLA can be obtained from the HR Director or the Town Manager.

1.10 Harassment of Individuals in Protected Classes:¹

The Town of Ware (the “Town”) depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to maintaining a positive and congenial work environment free from harassment. The Town recognizes the right of all individuals to be treated with respect and dignity.

I. Policy

You are encouraged to see your immediate supervisor with suggestions, questions or problems relating to your job or work environment, or you can contact Human Resources. While the Town cannot promise that every problem will be resolved to your satisfaction, the Town values your input, and you should feel free to raise issues of concern.

- a) **Equal Employment Opportunity.** The Town is an equal employment opportunity employer and does not discriminate in hiring or employment on the basis of race, color, religious creed, national origin, sex, ancestry, sexual orientation, as defined by law, or on the basis of age, as defined by law, disability, gender identity or expression, as defined by law, genetic information, veteran’s status, military service or application for military service, or pregnancy (collectively, “Protected Classes”). If you believe you require an accommodation in order to perform the essential functions of your job due to disability, please notify Human Resources.
- b) **Harassment.** Harassment on the basis of a Protected Class (hereafter referred to as “harassment”), is a form of behavior or conduct that adversely affects the employment relationship. State and Federal law prohibit such behavior or conduct. The Town also condemns and prohibits the unlawful harassment of any applicant, client, vendor or visitor. Because the Town takes allegations of harassment seriously, we will respond promptly to complaints of harassment and, where it is determined that inappropriate conduct has occurred, we will act promptly to address the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.
- c) **The Rule.** It is against the policy of the Town for any individual to harass another individual on the basis of a Protected Class when:
 - 1. submission to or rejection of such conduct is made either implicitly or explicitly a term or condition of employment or a basis for employment decisions; or
 - 2. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating a hostile, humiliating, or offensive work environment.

It is also against the policy of the Town for an individual to engage in any inappropriate or unprofessional conduct in the workplace.

- d) **Examples of Conduct That May Constitute Harassment.**

¹ Sexual harassment is covered by a separate policy, which has been issued to all employees.

While it is not possible to list all of the circumstances that may constitute unlawful harassment, depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness, the following is a list of situations that could constitute unlawful harassment:

1. verbal abuse, comments, jokes, teasing, threats or the use of words that degrade a person because of his/her Protected Class;
2. obscene or suggestive gestures or sounds intended to relate to a person's Protected Class;
3. posting or distributing letters, notes, objects, pictures, cartoons or other materials that degrade a person because of his/her Protected Class;
4. sending or posting offensive or discriminatory messages or materials related to an individual's Protected Class through the use of electronic communications (e.g., internal, and external electronic mail, voicemail, facsimile, and Internet sites, including social media sites); or
5. Condoning harassment on the basis of a person's Protected Class.

Harassment can occur in a variety of circumstances. Here are some things to remember:

1. The harasser does not have to be the victim's supervisor; and
2. The victim does not have to be the person at whom the unwelcome harassment is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the victim or unreasonably interferes with the victim's work performance by creating a hostile, humiliating, or offensive work environment.

e) **Individual Responsibilities.** Each individual of the Town is personally responsible for:

1. ensuring that his/her conduct does not harass any other individual with whom he/she comes in contact on the job, such as a subordinate, co-worker, client, visitor, applicant or outside vendor;
2. cooperating in any investigation of alleged harassment by providing any information he/she possesses concerning the matter being investigated;
3. actively participating in efforts to prevent and eliminate harassment and to maintain a work environment free from such harassment; and
4. ensuring that an employee who files a good-faith harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

II. Violation of Policy

Any individual violating this policy will be subject to appropriate discipline, including possible termination of employment.

III. Procedures for Complaints

- a) **Complaint.** The Town has designated a Protected Class Harassment Grievance Officer. The current Protected Class Harassment Grievance Officer is Stuart Beckley, Town Manager. He can be reached at

Town of Ware, 126 Main Street, Ware, MA 01082 and his telephone number is (413) 967-9648, ext. 100. If you would prefer, you may contact HR Director, Trish Barnes, who has been designated as the Alternate Protected Class Harassment Grievance Officer. Her telephone number is (413) 967-9648, ext. 117.

If any individual believes he or she has been subject to harassment on the basis of his/her Protected Class, the individual should initiate a complaint by contacting the Harassment Grievance Officer or the Alternate Harassment Grievance Officer as soon as possible. The individual should make the complaint promptly following any incident of alleged harassment. The individual should be aware that the longer the period of time between the event giving rise to the complaint and the complaint being made, the more difficult it will be for the Harassment Grievance Officer or his/her designee to investigate what occurred. The individual will be asked to write out his or her complaint to document the allegation.

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

- b) **Investigation.** Upon receiving the complaint, the Harassment Grievance Officer or the Alternate Harassment Grievance Officer, or his/her designee, will promptly undertake an investigation of the matter. The investigation will include interviews with the employee making the complaint, with witnesses, and with the person accused of harassment. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
- c) **Decision.** When the investigation is completed, the Town will, to the extent appropriate, inform the person who filed the complaint, as well as the person alleged to have committed the complained-of conduct, of the results of the investigation. If the investigation reveals that unlawful harassment or other inappropriate conduct did occur, the Town will act promptly to eliminate the offensive conduct.
- d) **Retaliation.** Retaliation against an individual for making a good-faith complaint of harassment, or against any individual for cooperating in an investigation of a harassment complaint, is against the law. The Town will not tolerate any such retaliatory conduct. If any employee believes that he or she has been subjected to retaliation for having brought a complaint of harassment, or for having participated in an investigation of a complaint of harassment, that employee is encouraged to report the situation as soon as possible to the Harassment Grievance Officer or the Alternate Harassment Grievance Officer, or to the employee's supervisor, or Human Resources.

IV. State and Federal Agencies

The Massachusetts Commission Against Discrimination ("MCAD") is responsible for enforcing the state law prohibiting harassment on the basis of Protected Class. The MCAD can be reached at 484 Main Street, Suite 320, Worcester, MA 01608, (508) 799-8010, or at 436 Dwight Street, Suite 220, Springfield, MA 01103, (413) 739-2145, or at One Ashburton Place, Boston, MA 02108, (617) 994-6000. The U.S. Equal Employment Opportunity Commission ("EEOC") is responsible for enforcing the Federal law prohibiting harassment on the basis of Protected Class. The EEOC can be reached at John F. Kennedy Federal Building, Government Center, Room 475, Boston, MA 02203, (617) 565-3200. A complaint to the MCAD must be filed within 300 days. A complaint under the Federal law should be filed within 180 days, but under certain circumstances, a Federal complaint may be filed within 300 days.

V. Workplace Conduct

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

1.11 Sexual Harassment Prevention Policy and Procedures²

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

I. POLICY

A. Introduction

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

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

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

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

1. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decisions; or
2. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

It is also against the policy of the Town for an individual to engage in any other form of unlawful harassment, inappropriate or unprofessional conduct in the workplace.

² Harassment on the basis of race, color, religious creed, national origin, gender, ancestry, sexual orientation, as defined by law, or on the basis of age, as defined by law, disability, gender identity or expression, as defined by law, genetic information, veteran status, military service or application for military service, or pregnancy is covered by the Town's *Protected Class Harassment Policy*.

C. **Examples of Conduct That May Constitute Sexual Harassment.** While it is not possible to list all of the circumstances that may constitute sexual harassment, the following are some examples of conduct that may constitute sexual harassment, depending upon the totality of the facts, including the severity of the conduct and its pervasiveness:

1. verbal abuse, jokes or language of a sexual nature;
2. use of sexually degrading words;
3. conversation or gossip with sexual overtones;
4. obscene or suggestive gestures or sounds;
5. sexually-oriented teasing;
6. verbal comments of a sexual nature about an individual's appearance or sexual terms used to describe an individual;
7. inquiries into one's sexual experiences or discussion of one's sexual activities;
8. comments, jokes or threats directed at a person because of his/her sexual preference;
9. unwelcome invitations (for lunch, dinner, drinks, dates, sexual relations);
10. demand for sexual favors whether or not accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment;
11. physical contact such as touching, hugging, kissing, stroking, fondling, patting, pinching or brushing up against one's body;
12. deliberate bumping, cornering, mauling, grabbing;
13. assaults of a sexual nature, molestations or coerced sexual acts;
14. posting or distributing sexually suggestive objects, pictures, cartoons or other materials;
15. sexually-oriented letters or notes;
16. sending or posting offensive or discriminatory messages or materials through the use of electronic communications (e.g., internal and external electronic mail, voicemail, facsimile, and Internet sites, including social media sites) that contain overt sexual language, sexual implications or innuendo, or comments that offensively address someone's sexual orientation;
17. sexually suggestive gestures, leering, or staring at parts of a person's body; or
18. condoning sexual harassment or abuse.

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

1. A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser.

2. The harasser does not have to be the victim's supervisor.
3. The victim does not have to be of the opposite sex from the harasser.
4. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the victim or unreasonably interferes with the victim's work performance by creating a hostile, humiliating, or sexually offensive work environment.

D. Individual Responsibilities. Each individual of the Town is personally responsible for:

1. ensuring that his/her conduct does not sexually harass any other individual with whom he/she comes in contact on the job, such as a subordinate, co-worker, customer, visitor, applicant, or outside vendor;
2. cooperating in any investigation of alleged sexual harassment by providing any information he/she possesses concerning the matter being investigated;
3. actively participating in efforts to prevent and eliminate sexual harassment or abuse and to maintain a work environment free from such harassment or abuse; and
4. ensuring that an individual who files a good faith sexual harassment or abuse claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

II. Violation of Policy

Any individual violating this policy will be subject to appropriate discipline, including possible termination of employment.

III. Procedures for Complaints

- a. **Complaint.** The Town has designated a Protected Class Harassment Grievance Officer. The current Protected Class Harassment Grievance Officer is Stuart Beckley, Town Manager. He can be reached at Town of Ware, 126 Main Street, Ware, MA 01082 and his telephone number is (413) 967-9648, ext. 100. If you would prefer, you may contact HR Director, Trish Barnes, who has been designated as the Alternate Protected Class Harassment Grievance Officer. Her telephone number is (413) 967-9648, ext. 117.

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

If an employee prefers to discuss a possible sexual harassment issue with his or her supervisor or Human Resources, the employee may always do so, but employees do not have to go through the regular chain of supervision when

reporting sexual harassment or abuse and may instead go directly to the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance Officer.

- b. **Investigation.** Upon receiving the complaint, the Sexual Harassment Grievance Officer or Alternate Sexual Harassment Grievance Officer, or his/her designee, will promptly undertake an investigation of the matter. The investigation will include interviews with the employee making the complaint, witnesses, and the person accused of sexual harassment. The investigation will be conducted in such a way to maintain confidentiality to the extent practicable under the circumstances.
- c. **Decision.** When the investigation has been completed, the Town will, to the extent appropriate, inform the person who filed the complaint, as well as the person alleged to have committed the complained-of conduct, of the results of the investigation. If the investigation reveals that sexual harassment or other inappropriate conduct did occur, the Town will act promptly to eliminate the offensive conduct.
- d. **Retaliation.** Retaliation against an individual for making a good-faith complaint of sexual harassment or abuse, or against any individual for cooperating in an investigation of a sexual harassment or abuse complaint, is against the law. The Town will not tolerate any such retaliatory conduct. If any employee believes that he or she has been subjected to retaliation for having brought a complaint of harassment or abuse, or for having participated in an investigation of a complaint of harassment or abuse, that employee is encouraged to report the situation as soon as possible to the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance Officer, or the employee's supervisor, or Human Resources.

IV. State and Federal Agencies

The Massachusetts Commission Against Discrimination ("MCAD") is responsible for enforcing the state law prohibiting sexual harassment. The MCAD can be reached at 484 Main Street, Suite 320, Worcester, MA 01608, (508) 799-8010, or at 436 Dwight Street, Suite 220, Springfield, MA 01103, (413) 739-2145. The U.S. Equal Employment Opportunity Commission ("EEOC") is responsible for enforcing the Federal law prohibiting sexual harassment. The EEOC can be reached at the John F. Kennedy Federal Building, Government Center, Room 475, Boston, MA 02203, (617) 565-3200, or at One Ashburton Place, Boston, MA 02108, (617) 994-6000. A complaint to the MCAD must be filed within 300 days. A complaint under the Federal law should be filed within 180 days, but under certain circumstances, a Federal complaint may be filed within 300 days.

V. Workplace Conduct

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

1.12 Health Insurance Portability & Accountability Act - HIPAA

The Town will comply with the Privacy Regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. The Town shall limit the use of and access to Protected Health Information which is held by the Town or its lawful agents. Protected Health Information is any written, oral or electronic form of information relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards established to limit use and access to protected health information are stated as an integral part of this policy, established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Town.

To assure this commitment to compliance, the Town Manager designates a Privacy Contact (HR Director) who shall have the responsibility:

1. To ensure that the Town Manager and Select Board are kept informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations;
2. To ensure that documentation of the Town's efforts to comply with HIPAA privacy regulations is maintained;
3. To ensure that any protected health information disclosures are tracked;
4. To ensure that authorizations for disclosure and use of protected health information are properly processed;
5. To resolve complaints from participants about possible privacy violations;
6. To ensure that appropriate Town liaisons are maintained with the group health insurance program third party administrator, relevant business associates, and health insurance carriers, communicating the Town's commitment and securing the commitment of these entities to the privacy and security of protected health information;
7. To ensure that all required authorizations, agreements, etc. relative to the protected health information of group health insurance program participants are maintained; and
8. To monitor the Town's compliance with HIPAA privacy regulations on a regular basis.

Only those Town officials with a legitimate business purpose and bona fide need to know may be given access to protected health information in order to legally perform the position duties and administer the program.

Information which is normally maintained in the employment record which is classified as protected health information includes all forms, responses, inquiries and data relative to the Family Medical Leave Act, drug screenings, fitness for duty, workers compensation, disability, life insurance, the Occupational Safety and Health Act and sick leave.

As an employer, the Town may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law for public health, communicable disease, abuse or neglect, or food and drug administration purposes.

Protected employee health information may be released for other purposes only by the employee's authorization. The use and/or disclosure of protected health information is limited to the specific information for the specific purpose, to and from the specific individual and/or entity for a specific time period as delineated by the employee's authorization. Group health insurance program participants are allowed to review their protected health information that is held by the Town and to correct errors.

The Town separates protected health information from the employment record and retains such information in a locked file accessible only to authorized personnel. All entities which could receive protected health information (third party administrator, ambulance billing company, fully insured plan providers, legal counsel, actuaries and consultants) must enter into a business associate agreement with the Town committing to compliance with the HIPAA Privacy Regulations and providing satisfactory assurances that the business associate will appropriately safeguard the protected health information.

Participants that believe they have been aggrieved by the use or disclosure of protected health information may file a written grievance with the Privacy Contact within sixty (60) calendar days of the use or disclosure of the protected health information or within fifteen (15) calendar days of their knowledge of said use or disclosure. The grievance must delineate the specifics of the complaint, including but not limited to:

1. What unauthorized protected health information was released;
2. Who received the protected health information and/or is knowledgeable of the protected health information;
3. When the protected health information was released and/or when the complainant became aware of the unauthorized knowledge of the protected health information; and
4. What was the result of the release of the unauthorized protected health information?

The Privacy Contact will meet with the complainant as soon as possible after the receipt of the grievance. During this meeting, the Privacy Contact will discuss the issue brought forward with the complainant. The Privacy Contact will investigate the allegations of the complaint with the full support and assistance of Town management and, if necessary, legal counsel. The Privacy Contact will provide a written report of his/her findings and recommended action, if warranted, to the Town Manager and the complainant within thirty (30) calendar days from the date of the meeting with the complainant. If for some reason, the Privacy Contact is unable to conduct this meeting and/or investigation the Town Manager shall appoint an alternate senior manager to perform these duties.

Complainants may also contact the Federal Department of Health and Human Services for assistance.

The Town will comply with the Privacy Regulations established by the Federal Government and requires its employees to observe and comply with this policy and the use of the proper procedures and policy documents. Employees found to have breached protected health information security will be subject to disciplinary action, up to and including termination.

1.13 Jury Duty

The Town of Ware, in accordance with Chapter 234A, Section 48 of the Massachusetts General Laws, shall pay employees his or her base wages for the first three (3) days, or a part thereof, of such juror service that occurs on their regularly scheduled work day. For fourth and subsequent days of such juror service, the employee shall continue to be paid his/her base wages provided that such employee pays over to the Town any jury service fees received.

An employee who is required to serve as a grand or traverse juror in a federal court shall receive from the Town the difference between his/her base wages and the compensation he/she received for such jury service, exclusive of any travel or other allowance.

An employee seeking compensation in accordance with this policy shall notify their Department Head after receipt of the notice of selection for jury duty, and shall furnish a written statement to the Town showing dates of juror service, time served, and amount of juror compensation received.

As a condition to receiving payment for jury duty from the Town, an employee must report to work if during such duty he/she is discharged for the day or major portion thereof during regular work hours, provided the employee can return to work with at least two (2) hours remaining in the workday.

1.14 Massachusetts Parental Leave

The Town of Ware provides eligible employees 8 weeks of unpaid leave for childbirth or adoption of a child pursuant to Massachusetts Law, G.L. c. 149, § 105D.

Eligible employees must have completed 3 months of full-time work.

Employees are required to provide their request for leave to their Department Head at least 2 weeks prior to the start of the leave and indicate if they are planning to return from their leave.

Any eligible parent, regardless of gender, may request Parental Leave for the adoption or birth of a child. If both eligible parents work for The Town of Ware, they are entitled to an aggregate of 8 weeks of leave.

If the employee is eligible for FMLA, the employee's Parental Leave would count simultaneously against the 12-week FMLA entitlement. If the employee takes 12 weeks of FMLA leave for a purpose other than for the birth or adoption of a child, they would still have the right to take 8 weeks of Parental Leave.

Upon return from leave, employees will be reinstated to the same or a similar position as the one they had when they left. The Town of Ware maintains a separate Family & Medical Leave Act (FMLA) policy. Employees can obtain more detailed information regarding Parental Leave or FMLA from the HR Director or the Town Manager.

1.15 USERRA - Military Leave

Eligible employees who are absent from work while serving in the United States uniformed services are granted military leave of absence in accordance with USERRA (uniformed Services Employment and Reemployment Rights Act.)

Reemployment rights extend to persons who have been absent from a position of employment because of “service in the uniformed services.” “Service in the uniformed services” means the performance of duty on a voluntary or involuntary basis in a uniformed service, including:

1. Active duty and active duty for training;
2. Initial active duty for training;
3. Inactive duty training;
4. Full-time National Guard duty;
5. Absence from work for an examination to determine a person’s fitness for any of the above types of duty;
6. Funeral honors duty performed by National Guard or Reserve members; or
7. Duty performed by intermittent employees of the National Disaster Medical System (NDMS), which is part of the Department of Health and Human Services, when activated for a public health emergency, and approved training to prepare for such.

The “uniformed services” consist of the following:

1. Army, Navy, Marine Corps, Air Force and Coast Guard;
2. Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve and Coast Guard Reserve;
3. Army National Guard and Air National Guard;
4. Commissioned Corps of the Public Health Service; or
5. Any other category of persons designated by the President in time of war or emergency.

To qualify for USERRA and be reinstated to the workplace, employees must meet these requirements:

1. The worker was employed by the Town of Ware when they volunteered or were called up for active duty;
2. The worker provided reasonable notice that they would be going on military leave;
3. The worker was on military leave for five years or less;
4. The worker was honorably discharged from the military; and
5. The worker applied for reinstatement in a timely manner.

1.16 Small Necessities Leave Act – SNLA

In accordance with M.G.L. c. 149, s. 52D (“Small Necessities Leave Act”), the Town will grant eligible employees a total of 24 hours of unpaid leave during any 12-month period. These 24 hours are in addition to the 12 weeks already allowed under the Federal Family and Medical Leave Act. The 24 hours will be tracked on a fiscal year basis.

To be eligible, the employee must:

1. have been employed for at least 12 months by the employer from whom the leave is requested; and
2. provided at least 1,250 hours of service to the employer during the previous 12-month period.

The 24 hours of leave may be taken by an eligible employee for any of the following purposes:

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

Employees wishing to take SNLA leave must provide seven (7) days written notice to their Department Head, where possible. If this notice is not possible, notice must be given as soon as practicable before the leave begins.

1.17 Smoke-Free Workplace

The Town of Ware complies with the MA Smoke-Free workplace law and the Ware Board of Health Regulations to protect employees from health hazards resulting from the exposure to second-hand smoke.

Smoking, vaping, or the use of any product listed below are not permitted in any Town buildings, work sites, or vehicles or on Town owned property. Employees wishing to engage in these activities may do so during their designated break times, outside of Town property, in designated areas and in accordance with state and local ordinances.

Types of products prohibited:

- a. ALL tobacco products. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, niffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; or electronic cigarettes, electronic cigars, electronic pipes, electronic pens, electronic hookah, liquid nicotine, "e-liquids" or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product.
- b. The above definition includes cigarettes, cigars, and all tobacco that can be combusted, as well as smokeless, blunt wraps, loose tobacco and e-cigarettes and vape pens and any other iteration of an e-cigarette.
- c. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

In accordance with the Town of Ware Board of Health, any person found smoking, vaping or using any tobacco products in a smoke-free area shall be punished by a fine of:

- a. \$100 for the first violation;
- b. \$200 for a second violation occurring within two (2) years of the date of the first offense; and
- c. \$300 for a third or subsequent violation occurring within two (2) years of the second violation.

Each calendar day on which a violation occurs shall be considered a separate offense.

Violations of the Smoke-Free Workplace policy will also result in disciplinary action up to and including termination of employment.

1.18 Whistleblower Protection Policy

The Town of Ware will follow Massachusetts General Laws, Chapter 149, Section 185, known as the MA Whistleblower Protection Act of 1992. This law protects employees from retaliatory action for voluntarily disclosing information about dishonest or illegal activities.

An adverse action is an action which would dissuade a reasonable employee from raising a concern about a possible violation or engaging in other related protected activity. Retaliation can have a negative impact on overall employee morale.

Because an adverse action can be subtle, it may not always be easy to spot. Examples of adverse actions include, but are not limited to:

- Firing or laying off;
- Demoting;
- Denying overtime or promotion;
- Disciplining;
- Denying benefits;
- Failing to hire or rehire;
- Intimidation or harassment;
- Making threats;
- Reassignment to a less desirable position or actions affecting prospects for promotion (such as excluding an employee from training meetings);
- Reducing pay or hours;
- More subtle actions, such as isolating, ostracizing, mocking, or falsely accusing the employee of poor performance;
- Blacklisting (intentionally interfering with an employee's ability to obtain future employment); or
- Constructive discharge (quitting when an employer makes working conditions intolerable due to the employee's protected activity).

If an employee feels they have been retaliated against, a claim should be filed with the HR Director or the Town Manager. If the claim is against these individuals, the claim should be filed with the Select Board Chair.

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2.1 Customer Relations

The success of the Town depends upon the quality of the relationships between our employees, taxpayers, residents, and the public. In a sense, regardless of their position, employees are the Town's ambassadors. The more goodwill they promote, the more our customers and the public will respect and appreciate them, the Town, and the Town's services. Town employees are expected to act honestly, conscientiously, reasonably and in good faith always when performing their job responsibilities.

Below are several things employees can do to help give our "customers" a good impression of the Town. These are the building blocks for our continued success.

1. Deal with customers and the public in general in a business-like, courteous, and respectful manner;
2. Always communicate pleasantly and respectfully with other employees;
3. Follow up on questions promptly, provide business-like replies to inquiries and requests, and perform all duties in an orderly manner; and
4. Take pride in their work and completing assignments in a timely manner and provide above and beyond Customer Service.

If a customer does not feel they have received satisfactory service, they should be directed to the Town Manager's office to complete a Complaint Form. The Town Manager will do an investigation and notify the customer of any resolution or action that needs to be taken.

2.2 Outside Employment

Employees may hold outside jobs if they meet all the performance standards of their job with the Town. All employees will be judged by the same performance standards and will be subject to the Town's scheduling demands, regardless of any existing outside work requirements.

If the Town determines that an employee's outside work interferes with performance or the ability to meet the work requirements of the Town as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain employed by the Town of Ware.

2.3 Parking – Town Hall Lot

Parking in the Town Hall West Street parking lot is a privilege that the Town offers its employees on a fair and equitable basis. To accomplish this, the following is in place.

1. Employees may park at Town Hall every third month based on the schedule determined by the Town Manager.
2. Employees may park at the Veterans Park parking lot or Parker Street lot on months when they are not to park at Town Hall.
3. No substitutions. Parking at Town Hall is only permitted during the indicated month. Employees may not use spaces of other employees, even if they are absent.
4. Parking on West Street or Main Street is not permitted by employees. This parking is for patrons of Town Hall and Downtown businesses.

While we value all our employees and visitors and have faith that they will do their best to comply, we do have a “zero tolerance” policy for violations. There will be consequences for anyone who willfully chooses not to follow the Parking Policies and Procedures including, but not limited to verbal/written warning, suspension and/or revoking of parking privileges.

2.4 Personal Appearance

Discretion in style of dress and behavior is essential to the efficient operation of the Town. Employees are therefore required to dress in appropriate attire and to behave in a professional, businesslike manner. Employees should use good judgement in their choice of work clothes. If uniforms are provided, employees are required to wear them while working. Department Heads will determine the appropriate attire for their department. Workplace attire should conform to notions of good taste, common sense, and safety. Examples of inappropriate clothing that should not be worn in the workplace include but is not limited to:

1. Sweatpants
2. Shorts or short skirts
3. T-Shirts or sweatshirts with offensive messages or images
4. Visible undergarments
5. Wrinkled, stained, or otherwise disheveled clothing
6. Flip flops

Employees failing to adhere to proper Town standards with respect to appearance are subject to discipline, up to and including termination of employment. Department Heads or the Town Manager may set additional policies as needed.

2.5 Safety in the Workplace

The Town of Ware is committed to providing a safe and healthful working environment. We make every effort to comply with relevant federal and state occupational health and safety laws and develop the best feasible operations, procedures, technologies, and programs conducive to such environment. The Town's policy is aimed at minimizing the exposure of our employees, officials, volunteers, and other visitors to our facilities to health and safety risks. To accomplish this objective, all employees are expected to work diligently to maintain safe and healthful working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.

The Town will:

1. Provide their employees with a workplace that does not have serious hazards and follow all OSHA safety and health standards;
2. Consult the Health Agent regarding any health concerns that may impact employees or the public.
3. Find and correct safety and health problems;
4. Try to eliminate or reduce hazards first by making feasible changes in working conditions – switching to safer chemicals, enclosing processes to trap harmful fumes, or using ventilation systems to clean the air are examples of effective ways to get rid of or minimize risks – rather than just relying on personal protective equipment such as masks, gloves, or earplugs;
5. Prominently display the official poster that describes rights and responsibilities;
6. Inform workers about hazards through training, labels, alarms, color-coded systems, chemical information sheets and other methods;
7. Train workers in a language and vocabulary they can understand;
8. Keep accurate records of work-related injuries and illnesses;
9. Perform tests in the workplace, such as air sampling, required by some OSHA standards;
10. Provide hearing exams or other medical tests required by OSHA standards;
11. Not retaliate against workers for using their rights under the law, including their right to report a work-related injury or illness; and
12. Provide Workers Compensation Insurance that covers a work-related illness or injury.

The responsibilities of all employees include:

1. Exercising maximum care and good judgement at all times to prevent accidents and injuries;
2. Immediately reporting to supervisors and seeking first aid for all injuries, regardless how minor. Such reports are necessary to comply with laws and initiate workers compensation claims;
3. Reporting unsafe conditions, equipment, or practices to Department Head and the Town Manager;
4. Using personal protective equipment provided by the Town at all times where applicable;
5. Observing conscientiously all safety rules and regulations at all times; and
6. Notifying their supervisor, before the beginning of the workday, of any medications they are taking that may cause drowsiness or other side effects that could lead to injury to them or to coworkers.

2.6 Snow and Emergency Closing

This policy shall define a procedure for the closing of the municipal buildings, which are under the control of the Board of Selectmen, due to snow or other natural conditions.

This policy shall not apply to emergency and essential personnel, Parks Department, School Department, Library, DPW, Police and Fire.

On days of inclement weather, the following applies.

- The Senior Center shall follow the actions of the Ware Public Schools. If a two-hour delay, the Center will open at 10. If Schools are closed, the Senior Center will be closed. Senior Center Staff shall use vacation or personal time for the time that the Center is closed.
- If the Governor announces a statewide closing of all state offices, Town Hall, Administrative Offices and Senior Center will close. (This means East and West State Offices are closed, if only Eastern State Offices are closed Town Hall will remain open.). If Town offices are closed, under this event, employees will be paid for their regularly scheduled time lost.
- Upon an assessment of the weather conditions as predicted by the Massachusetts Emergency Management Agency, National Weather Services, and the Town of Ware Emergency Management Director, The Town Manager has the authority to close Town Hall and administrative offices, if required for the Public Health and Safety of employees. If Town offices are closed, under this event, employees will be paid for their regularly scheduled time lost.
- If the Governor declares a snow emergency and closes state offices early, the Town Hall will close early. In the event of inclement weather in Western Mass, the Town Manager may also close Town Hall, Administrative Offices, and the Senior Center early, at his/her discretion upon consultation with the Emergency Management Director, and appropriate state officials. If Town offices are closed, under this event, employees will be paid for their regularly scheduled time lost.
- Town Hall, Administrative Offices, and Senior Center employees do have the option of using available vacation or personal days when there is inclement weather if offices are not closed by the Town Manager. If employees have a delayed arrival on a snow event, the employees may choose to make up the missed work hours during the week. Employees should notify their Supervisor if they are going to be late or absent during inclement weather.
- During snow events, the Town Hall and administrative office parking areas will be plowed and treated by 8 a.m. to allow for arrival and parking by staff and residents.

2.7 Social Media

The Town of Ware 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 Town goals and objectives. Town officials and Town departments can publish articles, facilitate discussions, and communicate information through such media to conduct Town business. Social media sites facilitate further discussion of Town issues, operations, and services by providing members of the public the opportunity to participate in many ways using the Internet.

This policy establishes guidelines for the official use of social media by Town employees and officials, for government-related purposes. Questions regarding this Policy should be directed to the Town Manager. This Policy may be supplemented by more specific administrative procedures and rules. Furthermore, this Policy may be amended from time to time as needed.

The Policy applies to all employees, and officials (elected or appointed) of the Town of Ware. Employees whose employment is governed by law or a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

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).

The following definitions apply for purposes of this Policy:

“Social media sites” and “social networking sites” refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes tools such as: blogs, wikis, microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; bookmarking sites such as Pinterest; and messaging applications such as Snapchat and Instagram.

A “social media identity” is a specific user identity or account that has been registered on a third-party social media site.

A “blog” (an abridgement of the term web log) is a Town of Ware website with regular entries of commentary, descriptions of events, or other material such as graphics or video.

A “moderator” is an authorized Town of Ware official (appointed or elected) or employee, who reviews, authorizes, and allows content submitted by the Town officials, employees and public commentators to be posted to a Town of Ware social media site or sites.

“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, “smartphones”/PDA-style devices, tablets, pagers, facsimile machines, and the Internet.

"Town social media site" is any official social media site established by or for a Town department, with the authorization of the Town Manager.

"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 associated or affiliated with the Town, as well as any other form of electronic communication.

All Town social media sites shall be approved by the Town Manager and published using social media platform and tools approved by the Information Technology Department ("IT"). The official posting for the Town will be done by the Town Manager or their designee.

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 Managers may allow or disallow employee participation in any social media activities in their departments. All employees should be reminded that personal use of social media is strictly prohibited during work hours.

All Town social media sites shall adhere to applicable state, federal and local laws, regulations, and policies including the Open Meeting Law, Public Records Law, Public Records retention schedules, Conflict of Interest Law, Copyright Law, Campaign and Political Finance laws and rules, and other applicable Town policies.

Public Records Law and e-discovery laws and policies apply to social media content. Accordingly, such content must be able to be managed, stored, and retrieved to comply with these laws. Furthermore, once such content is posted on a social media site, it should stay posted, unless it is removed for one of the reasons set forth below in Number 10 and/or 11, or it is changed to fix spelling or grammar errors. A record shall be kept of any such modifications.

All social media sites and entries shall clearly indicate that any content posted or submitted is subject to public disclosure. Wherever possible, social media sites should be set up to not permit anonymous posters/postings. 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 Ware website for forms, documents, and other information. Each Town social media site shall indicate to users that the site is subject to a third party's website Terms of Service. Furthermore, each Town social media site shall indicate that the social media site provider could collect personal information through user's use of the social media site; and that this personal information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the Town.

All social media sites shall clearly indicate they are maintained by the Town of Ware and shall have the Town of Ware contact information prominently displayed, and if possible, the Town Seal. The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

Town social media content and comments containing any of the following forms of content shall not be allowed for posting:

- a. Comments not topically related to the site or blog article being commented upon.
- b. Profane, obscene, or vulgar language or content.

- c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or active military status.
- 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 a legal ownership interest of any other party.

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

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 HR policies) of the Town of Ware. Any Town employee or official, Town board member or Town committee member 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.

No Town or department social media site can endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers, or other stakeholders, including political candidates. As prohibited by the Campaign Finance Law, employees may not use public resources for political purposes, such as engaging in political or campaigning activity during working hours, or using Town resources, equipment, and facilities (including work areas). This would include, but not be limited to, engaging in political activity, including the endorsement of any candidate for elective office, via a Town social media site.

EMPLOYEE GUIDELINES FOR USE OF SOCIAL MEDIA SITES

1. **Electronic Communications and Computer Usage Policy:** All employees are responsible for understanding and following the Town's Technology Policy, in addition to this 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, harassing, or off topic, employees cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e., subject matter restrictions). Users have some 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 excluded for specific legitimate reasons, as referenced above. However, as moderating of the social media sites may not always be possible or may be limited, the Town reserves the right to disable public comments on the Town's social media sites.

3. **Copyright Law:** Employees must abide by laws governing copyright and fair use of copyrighted material owned by others. 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 for the Town or any of its employees, as defined by G.L. c. 268A.

5. **Protect Confidential Information:** Never post 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. **Consider Your Content:** As informal as social media sites are meant to be, if they are on a government domain or a government identity, they are official government communications. Social media sites will be sought out by mainstream media – so a great deal of thought needs to go into how you will use the social media in a way that benefits both the Town and the public. Employees should not comment about rumors, political disputes, or personnel issues.

7. **Handling Negative Comments:** Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, you should expect that some of the feedback you receive will be negative. Some effective ways to respond to negative comments include

- a) Providing accurate information in the spirit of being helpful.
- b) Respectfully disagreeing.
- c) Acknowledging that it is possible to hold different points of view.

8. **Respect Your Audience and Town Employees and Officials:** Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in your department's workplace. 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 should not be used to communicate among Town employees for work purposes.

9. **Use the Social Media Site or Identity only to contribute to your Department's Mission:** When you contribute to your department's social media site or identity, provide worthwhile information and perspective that contribute to your department's mission of serving the public. What you publish will reflect on the Town. Social media sites and identities should be used in a way that contributes to the Town's mission by: a) Helping you and your co-workers perform their jobs better; b) Informing citizens about government services and how to access them; c) Making the operations of your department 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. You should never use social media sites to promote charitable or religious events that do not directly relate to the core mission of your department. Any requests to post that type of material should be directed to the Town Manager.

10. **Mistakes:** The Town policy is that once something is posted, it should stay posted. Only spelling errors or grammar fixes should be made without making the change evident to users. If you choose to modify an earlier post, make it clear that you have done so—do not remove or delete the incorrect content; provide the correct information and 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 you need to correct or clarify. Either method is

acceptable. For the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clear to users.

11. **Media Inquiries:** Town or department social media identities or sites may lead to increased inquiries from the media. If you are contacted directly by a reporter, you should refer media questions to Town Manager.

12. **Personal Comments:** Make it clear when you are speaking for yourself as a resident or stakeholder, and not on behalf of the Town of Ware. If you publish content on any website of the Town and it has something to do with the work you do or subjects associated with the Town, use a disclaimer such as this: "The postings on this site are my own and don't necessarily represent the Town's positions or opinions."

13. **Employee or Official Profile:** If you identify yourself as a Town employee or official, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, residents, and other stakeholders.

14. **Defamation:** Be aware that employees acting in their individual capacity (not on behalf of the Town) are not immune from defamation claims. Under Massachusetts law, defamation is established by showing that the defendant published a false, non-privileged statement about the plaintiff to a third party that either caused the plaintiff 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. Avoid statements that may be interpreted as defamatory.

15. **Records Retention:** Social media sites will contain communications sent to or received by Town officials and employees and are therefore Public Records. Ensure that the Town or department retains a copy of the social media content in accordance with Public Records Retention Schedules. Review the third-party social media service provider's terms of service for its record retention practices. Note that while third party social media providers will most likely save your content for some period, they generally will not save it indefinitely. To the extent their policies are inconsistent with Public Records Retention Schedules, the Town or department should retain copies of social media posts such as by printing or otherwise storing periodic "snapshots" of the social media sites.

16. **Open Meeting Law:** Be aware of the Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site cumulatively may convey the position of a quorum of a governmental body regarding a subject within its jurisdiction and may constitute improper deliberation among the members of a board or committee.

17. **Retaliation is Prohibited:** The Town prohibits taking negative action against any employee for reporting a possible deviation from, or violation of, this Policy, or for cooperating in an investigation of same.

18. **More Information:** If you have questions or need further guidance regarding the Town's Social Media Policy, please contact the Town Manager's Office.

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

The Chair of the Board or Committee of an elected or appointed official found in violation will address the violation in an open meeting.

2.8 Technology

This technology policy applies to all employees as well as board and committee members who have access to the Town's computers or other electronic devices. It also applies to Town employees working from home.

Computer, E-Mail, and Internet Use

The Town provides staff with computer equipment and the ability to communicate and receive information using electronic mail and the Internet. The Town uses this technology to improve staff efficiency and to serve the public more effectively. These resources are the property of the Town and should be used for appropriate business purposes only. Town employees as well as Board and Committee members are expected to use their access to electronic mail and the Internet in a responsible and informed way. Any personal use of the Internet must be on the employee's own time and must not interfere with the Town's operation or the user's work responsibilities. Users must realize that they represent the Town while using Town equipment and act in a responsible way.

Unauthorized use of computer equipment or the Internet, including e-mail, includes but is not limited to the following:

1. Pirating, duplicating or installation of unauthorized software
2. Any promotion, product endorsement or other commercial enterprise
3. Political lobbying or solicitation of any religious cause
4. Disparagement of any individual, group, employee, or Board or Committee member
5. Hacking
6. Personal gain

If an employee has any questions regarding what is considered "unauthorized use" they should consult their Department Head or the Town Manager.

Confidential information should never be transmitted to anyone not authorized to receive such information, including other unauthorized Town employees. Employees deal with and have access to information that must stay within their department and/or Town government. Confidential Information includes, but is not limited to, information that is related to: our taxpayers and residents; our financial information; personnel information and documents. No employee is permitted to share this Confidential Information outside their department, or to remove or make copies of any Town records, reports or documents in any form, without prior approval from the Town Manager. Disclosure of Confidential Information could lead to termination, as well as other possible legal action. Town employees are prohibited during or after employment to use the Town's Confidential Information, in any form, for their own purposes or for those of other persons or entities. All Town Confidential Information, regardless of the form, must be returned to the Town at the termination of employment with the Town.

Viewing pornography or sending pornographic jokes or stories via email is considered sexual harassment, and will be addressed according to our sexual harassment policy. Immediate termination is the appropriate disciplinary action that the Town may take in these cases.

Viruses and worms primarily spread through email attachments. There are always new worms, Trojan horses and viruses created every day. To combat this, Town of Ware email addresses should be utilized for business use only. Typically, the most severe viruses and other malware spread through jokes or 'social' emails. In terms of attachments, only legitimate business documents expected from a trusted source should be opened. The IT Director should be alerted if an employee receives any suspicious emails. The use of "thumb drives" to transport data from a work computer to a personal computer and then back to a work computer is strictly prohibited as it may also carry a virus to the Town's system.

Employees and anyone authorized to send email on behalf of the Town of Ware should use the standard town email format. The standard "Signature" format should include: the senders name, position, office address, phone number, and the following disclaimer:

This e-mail message (including attachments, if any) is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, proprietary, confidential, and exempt from disclosure. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender and erase this e-mail message immediately.

Employees should have no expectation of privacy in their use of e-mail or other computer applications. E-mails and other documents are generally subject to disclosure as a public record. They could also be subject to disclosure for a legal proceeding. Users need to be aware of the applicability of the Open Meeting Law when participating in an electronic conversation through e-mail, chat, or other such methods of electronic communication.

The Town reserves the right to monitor, review and retrieve any information stored on or transmitted with Town equipment and therefore users should have no expectation that their e-mail communication or documents on Town Equipment will remain private.

Personal Mobile Device Use

Use of personal cell phones should be kept to a minimum and of short duration. Mobile devices may be freely used during scheduled breaks and mealtimes in the break area or outside the building. Phone calls or Text Messages that are considered "chit-chat" are prohibited during work time. Ring tones that are offensive or overly distracting during work hours are prohibited. If there is an emergency situation that may require an employee to receive frequent calls or Text Messages during the workday, the employee should speak with their Department Head for approval.

Employees that operate Town owned vehicles or operate personal vehicles on Town business shall not use a mobile phone while operating the vehicle. This includes speaking, texting, or reading a message or information on the Internet. Employees must follow all State and Federal laws regarding the use of handheld mobile devices while driving Town vehicles or operating Town equipment. Communications between emergency personnel when required for response operations are exempt from this paragraph.

Violation of the Technology Policy will result in discipline, up to and including termination of employment.

2.9 Travel and Expense Reimbursement

This policy covers all employees, elected officials, and appointed officials, of the Town of Ware. The term employee will be used throughout the policy for all covered under the policy. In situations where reimbursement amounts are dictated by a Union contract, the contract amounts shall be followed.

Procedures

Town employees are encouraged to have expenses (e.g., office supplies) directly billed to the Town. The Town has accounts set up with multiple vendors to minimize out of pocket expenses incurred by employees. Town employees are also encouraged to identify and have the Town prepay all conference and/or seminar registration fees. Employees are expected to secure approval from their department manager prior to incurring business-related reimbursable expenses.

Procedures for requesting and receiving reimbursement are as follows:

1. The employee completes the employee expense reimbursement form in full. Destination, Reason and Dates Attended sections must be completed even if mileage reimbursement is not requested.
2. The employee attaches all original itemized receipts, invoices, or bills to the employee expense reimbursement form.

The invoice or receipt must state a minimum of the following:

- The provider of the service or goods
- Dates of service and/or invoice date
- Itemized list of what was purchased
- Itemized amount of what is owed

When an employee pays by personal check, a copy of the canceled check must also be attached to the reimbursement form. When the employee uses his/her credit card or debit card, the customer copy of the receipt and a copy of the credit/debit card statement showing the charge must also accompany the employee expense reimbursement form.

3. Employee signs and dates the employee expense reimbursement form and submits it to department manager or assigned representative for approval. **Preference is that expenses are submitted no later than one month after the expenses have been incurred.**
4. The department manager reviews the employee expense reimbursement form and the attachments to ensure that the expenses are business-related and fall within the policies set forth by the Town prior to signing the form. If questionable expenses are included on the form, the department manager should ask the employee for clarification, gaining mutual agreement whether the expense falls within Town definition of reasonable, reimbursable expenses.
5. The department manager submits the employee expense reimbursement form to the town accountant with the Bills Payable Schedule so that the employee can receive reimbursement of the business-related expenses in a timely manner.

Covered Expenses

The following expenses are considered reasonable employee reimbursable expenses:

1. Business Mileage

Mileage incurred with a personal vehicle as part of business travel from town offices to an outside destination. Travel must be listed from the town offices, not from the person's home. If the person is traveling from their home to an outside business location, only the mileage incurred in excess of their normal commute to the town office may be reimbursable. Reimbursement will be made for the actual business travel at the current mileage rate approved by the Board of Selectmen. Employees must log their origination point and destination point on the reimbursement form.

2. Travel expenses

Employees will be reimbursed for both in-state and out-of-state travel related expenses only when the travel has been approved in advance by the department manager.

3. Business travel requiring overnight accommodations

Expenses incurred for hotel/motel/etc. accommodations whenever overnight travel is required will be reimbursed for actual expenses incurred. Employees are expected to stay at "average rate" facilities utilizing a conference rate or a group rate when available.

Employees will not be reimbursed for expenses incurred in their room including but not limited to "wet-bar" expenses and entertainment expenses such as movies. An itemized hotel/motel receipt is required as documentation for all overnight accommodation reimbursement requests.

4. Air Transportation

Employees are expected to secure the lowest available fares for airplane, train, or other vehicle transportation. Airplane travel should be at economy, coach, or other lower travel rates. The employee will be reimbursed for actual out-of-pocket expense and receipts must be attached to the expense reimbursement form. Airport parking and/or shuttle fees are reimbursable if receipts are submitted.

5. Rental Cars

Employees are expected to use the most reasonable transportation services available to them. Rental cars should be limited to mid-class or smaller vehicles, unless the number of persons attending requires a larger vehicle. Receipts must be attached to the employee reimbursement form.

6. Business Meals, luncheons

Meal reimbursement will be limited to no more than the following, including taxes and gratuities if the meal is not included as part of conference registration. Expenses incurred in excess of these limits will be at the employee's expense.

<u>One Day Conference</u>		<u>Overnight</u>	
Lunch	\$12.00	Breakfast	\$11.00
		Lunch	\$12.00
		Dinner	\$23.00

Original itemized receipts must be attached to the employee reimbursement form. Non- itemized charge slips will not be accepted.

7. Business and Office Supplies

The employee must have department manager approval to incur expenses of this nature BEFORE any expenses are incurred. Product must be received by the Town before reimbursement will be made. Itemized receipts must be attached to the employee expense reimbursement form for all purchases of this nature. The Town has accounts at a variety of businesses and office supply vendors and encourages staff to use these vendors first, if possible.

8. Training

Approved training that is not prepaid by the Town will be considered a reimbursable business expense. Receipts must be attached to the employee expense reimbursement form.

9. Postage

Special postal services or delivery services not available through use of a Town postage machine or which require immediate off-site service that is business-related will be reimbursed to the employee. Receipts must be attached to the employee expense reimbursement form.

10. Clothing Allowance

Employees entitled to a clothing allowance through a collective bargaining contract or other employment agreement may be reimbursed for clothing purchases. Itemized receipts must be attached to the employee expense reimbursement form and purchases must meet the guidelines as specified in the employment contract. Clothing or uniforms provided by the employer are not taxable to the employee if:

- The employee must wear them as a condition of employment; and
- The clothes are not suitable for everyday wear.

Examples of clothing items that *are* taxable fringe benefits:

- a. Shirts or t-shirts with the departmental name, Town of Ware and/or employee name printed on the shirt or t-shirt
- b. Jeans
- c. Khaki slacks
- d. Suits
- e. Sunglasses
- f. Standard work shoes/boots
- g. Fatigues

Examples of clothing items that are not considered taxable fringe benefits:

- a. Police Officer uniforms
- b. Firefighter uniforms
- c. Nurse scrubs
- d. Safety shoes/boots

11. Business-Related Expenses for Other Miscellaneous Items

From time-to-time other business-related expenses may be incurred that are not listed in this policy, such as parking, road tolls or fees, use of rental equipment, or use of a taxi service. The employee must secure prior approval from his/her department manager before incurring such an expense. The employee will be reimbursed for actual business-related expenses. Receipts must be attached to the employee expense reimbursement form.

Non-Reimbursable Expenses

The following expenditures incurred by an employee in the course and scope of their duties shall not be reimbursed:

- a. Massachusetts sales tax
- b. Alcoholic beverages including liquor, beer, and wine
- c. Flowers and gifts for employees or others
- d. Charitable contributions
- e. Political contributions
- f. The personal portion of any trip

- g. Family expenses, including those of a partner when accompanying employee on Town business, child, or pet care
- h. Entertainment expenses, including theatre, shows, movies, sporting events, sightseeing tours, golf, spa treatments, etc.
- i. Non-mileage personal automobile expenses including repairs, insurance, gasoline, traffic citations
- j. Personal losses incurred while on Town business
- k. Expenses paid for by any other organization
- l. Valet services
- m. Mileage while traveling as a passenger in a privately owned car
- n. Personal travel insurance
- o. Medical or hospital expenses
- p. Theft, loss, or damage to personal property while on Town business
- q. Personal toilet articles, reading material, or personal telephone calls while on Town business

Employee Misconduct

Disciplinary or corrective action should be taken whenever it is determined that an employee falsified an employee expense reimbursement form or failed to pay their bill after the Town reimbursement. When it has been determined that an employee has knowingly and purposefully falsified an employee expense reimbursement form, the Town may take disciplinary action up to and including termination. If the employee has violated a local, state, or federal law, proper authorities will be contacted.

(Note: Previously Adopted by BOS 05/08/18)

2.10 Use of Town Property/Vehicles

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using Town property, employees are expected to exercise care, perform or schedule the required maintenance and follow all operating instructions, safety standards and guidelines. Equipment and Vehicles owned by the Town may not be used for personal use. Employees are required to notify their Department Head if any equipment, machines, tools, or vehicles appear to be damaged, defective or in need of repair. Prompt reporting could prevent deterioration of equipment and possible injury to employees or others. Department Heads will determine who is responsible for repair or maintenance of equipment or vehicles. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles can result in disciplinary action, up to and including termination of employment.

Employees are subject to the following rules and conditions:

1. A valid driver's license must be maintained as a condition of continued employment for positions that require driving. The Town may request to see an employee's license at any time.
2. Employees may not use a Town vehicle without express authorization from management.
3. Employees who drive their own vehicles for work must maintain the minimum amount of insurance required by state law as a condition of continued employment. The Town may request proof of insurance at any time.
4. Employees must wear seat belts at all times, whether they are the driver or a passenger.
5. Use of electronic devices for purposes other than navigation is strictly prohibited while operating a Town Vehicle. This includes, but is not limited to, making or receiving phone calls, sending or receiving text messages or e-mails, browsing the internet, reading books, and downloading information from the web. If an employee needs to engage in any of these activities while driving, they must pull over to a safe location and stop the vehicle prior to using any device.
6. Employees who are using a device for navigation purposes should complete all set up before starting the vehicle.
7. Employees should not engage in other distracting activities such as eating, shaving, or putting on makeup, even in stopped or slow-moving traffic.
8. Smoking, vaping, and use of chew in any Town owned vehicles is prohibited.
9. The use of alcohol, drugs, or other substances that in any way impair driving ability is prohibited. This includes, but is not limited to, over-the-counter cold or allergy medications and sleep aids that have a residual effect.
10. Employees will be drug/alcohol tested if they are involved in an accident while operating a Town Vehicle or equipment.
11. Employees must follow all driving laws and safety rules, such as adherence to posted speed limits and directional signs, use of turn signals, and avoidance of confrontational or offensive behavior while driving.
12. All passengers must be approved by a Department Head in advance of travel.
13. Employees must not allow anyone to ride in any part of the vehicle not specifically intended for passenger use or any seat that does not have a working seat belt.
14. Employees must promptly report any accidents to local law enforcement as well as the Town.
15. Employees must promptly report any moving or parking violations received while driving on Town business or in Town vehicles.

2.11 Work from Home Policy

Employees are permitted to work from home (WFH) occasionally or regularly, depending on several factors and the arrangements they have made with the Town Manager. Working from home is a privilege that may be revoked at any time. The Town may request that an employee be present at their Town work location at any time (regardless of scheduled WFH time) or deny a request to work from home based on business needs, employee performance, or viability of doing the work from home. To be eligible to WFH, an employee must have access to reliable internet and a space that is free from excessive noise or distraction.

Submitting Requests

Employees must enter their remote work request on the Work from Home form and submit it to the Town Manager for approval. Requests for recurring or extended WFH arrangements will be considered after *6 months* of employment, or in the case of a public health emergency. Employees wishing to request additional remote workdays in any given workweek are required to get approval from the Town Manager in advance.

Costs

The Town will supply the employee with appropriate office supplies and reimburse the employee for other reasonable business-related expenses. Employees must get pre-approval for expenses associated with working from home. Any equipment supplied by the Town is to be used for business purposes only, unless otherwise specified. Employees must take appropriate action to protect these items from damage or theft. The Town is not responsible for costs associated with initial setup of the employee's home office such as remodeling, furniture, or lighting, or for repairs or modifications to the home office space.

Security

As with employees working in the office, those who WFH will be expected to ensure the protection of proprietary Town information through use of locking doors, desks, file cabinets, and media storage, regular password maintenance, and any other steps appropriate for the job and the environment. Unless you live alone, computers should be locked when you walk away, and other household members should be not allowed access to or use of Town property.

Expectations

When working from home employees must:

- Work their full, typical schedule;
- Attend all meetings in a virtual capacity;
- Achieve the same level of production as in the office;
- Maintain equivalent availability for colleague and citizen communication, supervisor questions, etc.;
- Be available online and by phone for the duration of their usual workday, minus breaks and rest periods;

- Respond promptly to communication via messaging app, email, and phone;
- Take all required break and rest periods, as if they were in the office;
- Communicate consistently regarding their workload and status (break, lunch, working on a project, etc.);
- Follow all Town procedures and policies and
- Not use alcohol or illegal drugs.

2.12 Workplace Violence Prevention and Safety

It is the policy of the Town of Ware to provide a workplace that is conducive to personal safety, security and is free from intimidation, threats, or violent acts. Workplace violence undermines the integrity of the workplace and the personal safety of affected employees. All employees are responsible for establishing and maintaining a work environment that promotes professionalism, respect and is free from all forms of workplace violence and intimidation. Accordingly, the Town maintains a **"ZERO TOLERANCE"** policy towards workplace violence, including but not limited to; violent acts, threatening, harassing, or intimidating behavior by any of its employees, former employees, elected officials, customers, the general public, and/or anyone who conducts business with the Town. While this policy sets forth Town goals of promoting a workplace that is free of workplace violence, the policy is not designed or intended to limit the authority of authorized Town officials to discipline or take remedial action for workplace conduct which authorized Town officials deem unacceptable, regardless of whether that conduct constitutes a violation of this policy.

1. SCOPE

This policy applies to all full-time and part-time employees of the Town of Ware, members of the public, vendors, interns, contractors, consultants, and others who do business with the Town whether in a Town facility or off-site location where Town business is conducted; excluding those positions under the supervision and control of the school committee. Employees subject to collective bargaining agreements are subject only to those provisions in this policy which are not specifically regulated by collective bargaining agreements or G.L. c. 150E.

2. DEFINITION OF WORKPLACE

For the purposes of this policy, "workplace" is defined as:

- Any Town of Ware owned or leased property.
- Any location where Town business is conducted;
- Vehicles or equipment (whether owned by the Town or otherwise being used for Town business); or any location where violence has resulted from an act or decision made during the course of conducting Town business.

3. DEFINITIONS: Workplace violence and aggression includes but is not limited to the following:

- A. Physical assault and/or battery regardless of absence or presence of resulting injury such as hitting, pushing, punching, pinching, kicking, or holding;
- B. Threats and/or acts of intimidation communicated by any means (written, oral or electronic) that cause an employee to fear for his/her own physical safety or that of a colleague or customer;
- C. Destruction or attempted destruction of Town owned or leased property including, without limitation, Information Technology, and electronic systems;
- D. The use of Town property, services, or equipment such as phones, faxes, copiers, computers, vehicles etc. for the purpose of threatening any individual with physical harm or an act of violence including acts of criminal harassment, sexual assault and stalking in violation of G.L. c. 265, and domestic violence in violation of G.L. c. 209A, stalking in violation of G.L. c. 265 § 43, or the violation of an abuse prevention order;

- E. Disruptive, physically aggressive, or intimidating behavior [such as throwing objects, pounding on an object, intentionally interfering, or blocking the movement of another person, screaming, verbal abuse, stalking, or making oral or written statements] that a reasonable person would interpret as threatening, intimidating, or humiliating and/or that cause a disruption of work productivity.
- F. The possession, transporting or use of a weapon either on the person or in a vehicle while on Town property including imitation firearms, explosives, flare guns, instrument or material to damage Town property, or harm or threaten an employee, customer, client, vendor, contractor, agent, or representative of The Town of Ware is strictly prohibited. Any other object that may be construed to be a dangerous weapon as defined under G.L. c. 269, § 10 or items possessed with the expressed intent to harass or injure others are likewise prohibited. The prohibition against weapons shall not apply to specifically authorized Town employees, such as police officers and animal control officers.
- G. Any form of retaliation against anyone who, in good faith, reports a possible violation of this policy or cooperates in any internal investigation by the Town or by law enforcement.

4. WORKPLACE PROTECTIONS FOR DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING VICTIMS

The Town recognizes that domestic violence, sexual assault, and stalking occurring outside of the workplace may lead to violence and disruption at work with the risk of potential harm to targeted victims and other employees in the workplace. These effects may include a disruption of workplace productivity for victims and other employees. In an effort to afford victims of domestic violence, sexual assault, and stalking the ability to protect themselves while at work, and to ensure the safety of all employees, the Town of Ware has established the following guidelines for supervisors and employees for addressing reports and allegations of domestic violence, sexual assault and stalking involving Town employees. *These guidelines are in accordance with M.G.L Chapter 260.*

- A. Supervisors shall foster a climate in which victims can be comfortable disclosing abuse, including posting resource information where victims and abusers can go for assistance;
- B. Supervisors and employees shall report crimes related to G.L c.209A which occur in the workplace which they believe to be domestic violence, sexual assault or stalking to local police;
- C. When appropriate, supervisors shall work with impacted employees to ensure workplace safety plans are completed in response to reports of domestic violence, sexual assault, and stalking;
- D. Supervisors and employees shall respect the privacy of victims and preserve confidentiality to the extent practicable, in dealing with non-emergency situations involving sexual assault, domestic violence or stalking;
- E. When notified of a restraining order in effect, Supervisors shall utilize all reasonable efforts to address the employee's concerns about safety and report any workplace violations of such order to the police;
- F. In coordination with Human Resources, Supervisors shall provide employees/victims with workplace safety remedies and options including but not limited to; screening calls, temporary workstation relocation and appropriate referrals to domestic violence confidential resources.
- G. In coordination with Human Resources, whenever applicable, Supervisors shall provide employees/victims with flexible work schedule arrangements including up to 15 days of paid or unpaid leave in a calendar year to address issues related to domestic violence, sexual assault or stalking including obtaining medical attention, accessing the courts, and receiving counseling and support services.

- H. Employees with active abuse prevention orders shall promptly notify and provide a copy of any order to their Department Head and/or the Human Resources Administrator, or Town Manager.
- I. The Human Resources Department shall provide training and support to Supervisors and employees in response to reports of domestic violence, sexual assault, and stalking. To the fullest extent permitted by law, all information in such reports shall be treated as confidential, kept separate from employee personnel files, and shared strictly on a "need-to-know" basis for the purposes of workplace safety incident management.

5. ROLES AND RESPONSIBILITIES

A. Department Heads, Division Heads, and Supervisors shall:

- In coordination with Human Resources and the Town of Ware's Workplace Safety Committee, ensure that each employee receives and signs a copy of the Workplace Violence Prevention Policy;
- Foster a climate in which victims feel comfortable reporting incidents of domestic or workplace violence and aggression;
- Contact 9-1-1 immediately if the act or altercation constitutes a violent act/threat or life-threatening emergency;
- Promptly respond to and report allegations of domestic or workplace violence to appropriate personnel including but not limited to immediate supervisor, law enforcement and/or Town Manager;
- Take appropriate and immediate actions to address employees' safety concerns including, but not limited to, the development of specific workplace security protocols and safety plans to minimize risks associated with domestic or workplace violence;
- Cooperate in any investigation involving domestic or workplace violence;
- Participate in mandatory Town facilitated trainings focusing on domestic and violence prevention, reporting procedures for employees and supervisors and supervisory best practices;
- Ensure reports of domestic and workplace violence are kept confidential to the extent practicable; and
- Provide resources and referrals to victims of domestic or workplace violence and aggression to include the availability and contact information for The Town's Employee Assistance Program (EAP).

B. Employees shall:

- Contact 9-1-1 immediately if the act or altercation constitutes a violent act/threat or life-threatening emergency;
- In non-emergency situations, promptly report allegations of domestic or workplace violence to appropriate personnel including but not limited to immediate supervisor, and/or Human Resources; If a manager/supervisor is the source of the alleged conduct, reports may be made directly to the Human Resources Department;
- Participate in Town facilitated mandatory trainings focusing on domestic or violence prevention and
- Cooperate in any investigation of alleged workplace violence.

C. Workplace Safety Team

The role of the Workplace Safety Team is to monitor and review the administration of the policy, including training and the issuance of any/all procedures and guidelines including the coordination of emergency safety response

operations to help ensure consistent, coordinated responses to acts of workplace violence. When necessary, the team may provide risk assessment and recommendations relating to specific incidents/threats, ensure appropriate liaison with law enforcement, and develop, direct, and evaluate the Town's crisis response systems. The Safety Team shall include select Department Heads and/or senior representatives from Town departments as determined by the Chief of Police in coordination with Town Manager.

6. GUIDELINES FOR THE REPORTING, INVESTIGATION AND DISCIPLINE INVOLVING POLICY VIOLATIONS

A. Any Town of Ware employee, board or committee member, contractor, volunteer, intern, or visitor may report violations of this policy to their immediate supervisor or Town Manager verbally and in writing. If the supervisor is the source of the threat or violence, the information shall be reported to the Town Manager or to Human Resources. If the act or altercation constitutes a violent act/threat or life-threatening emergency, employees are directed to immediately call 9-1-1 and notify the Town of Ware's Police Department. In the event that a violation of this policy is committed by a member of the general public against a Town employee, the response should be the same.

B. All reports of workplace violence will be reported to the Ware Police Department and investigated promptly by an investigator designated by the Town Manager. Internal investigations of workplace violence will be conducted in a manner that is sensitive to the safety concerns and privacy of the victim(s), the alleged perpetrator, and witnesses. All reports of violations of this policy will be treated seriously and handled with the highest degree of discretion possible under the circumstances. Reports, regardless of whether they are communicated verbally or in writing, shall be investigated promptly and fairly by an investigator designated by the Town Manager or Human Resources.

C. Any violation of the above prohibitions by a Town employee shall subject the individual to appropriate disciplinary action up to and including termination, consistent with any applicable collective bargaining agreement and the Town's HR Policies and Procedures.

D. In the interim, between a complaint and the final disposition of a workplace violence case, the Town Manager and Department Head shall take appropriate actions to address employees' safety concerns. This may include a written plan that addresses the immediate and ongoing workplace safety needs of the impacted employee(s). In addition, depending on the severity of the charge, such action may include placing the alleged perpetrator on leave with or without pay.

E. Corrective or disciplinary action may be taken against employees who are arrested, convicted, or issued a permanent abuse prevention order as a result of domestic violence when such action has a direct connection to the employee's job duties.

7. CONTACT WITH THE MEDIA

Any call or request from the news media concerning an act or threat of workplace violence as defined within this policy will be immediately forwarded to the Town of Ware's Town Manager or Select Board Chair. They alone are authorized to provide information to the news media regarding workplace violence incidents.