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# TOWN OF FRANKLIN POLICIES AND PROCEDURES

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## **INTRODUCTION**

### **PURPOSE AND GENERAL PROVISIONS**

The purpose of the Town of Franklin Policies and Procedures document is to provide guidelines for managing personnel matters and to comply with applicable employment laws. The policies, procedures and rules and regulations set forth in this document are intended to be most of the terms and conditions of employment for employees of the Town of Franklin (“the Town”). However, they are subject to change at the discretion of the Town and they do not create an express or implied contract between the Town and any employee or group of employees. All employees are employed at will unless covered by an employment contract that provides otherwise.

All Town of Franklin employees (whether full-time, part-time, seasonal or others) shall be considered as being within the scope of coverage unless otherwise stated. It is the duty of an employee to thoroughly review the provisions of this document by asking questions of the Town Administrator, Director of Human Resources, or department head if the employee is uncertain about the meaning of any provision.

The provisions set forth herein are subject to change at any time at the discretion of the Town of Franklin. The Town may adopt any policy or procedure or rule or regulation or issue any order for the operation, discipline and good order of the Town. Notice of a change will be provided by internal mail, email, and/or bulletin board posting.

**If anything in these Policies and Procedures conflicts with the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement will prevail.**

### **EQUAL OPPORTUNITY AND COMMITMENT TO DIVERSITY**

The Town of Franklin provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religious creed, national origin, ancestry, sex (including pregnancy, childbirth and related medical conditions), gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, sexual orientation, active military personnel, and genetics.

Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The Town of Franklin expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Director of Human

Resources. The Town will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels they have been subjected to any such retaliation, they should bring it to the attention of the Director of Human Resources.

**Employees are expected to comply with the “Harassment and Sexual Harassment Policy” in Appendix A.**

The Town of Franklin does not discriminate against applicants and individuals with disabilities and, when needed, provides reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential functions of the position. **Employees are expected to comply with the “ADA Reasonable Accommodation Policy” in Appendix B.**

The Town of Franklin does not discriminate against applicants and employees on the basis of pregnancy and pregnancy-related conditions. The Town will provide appropriate accommodations to an applicant or employee who is pregnant or has a pregnancy-related condition. **Employees are expected to comply with the “Pregnancy and Pregnancy-related Condition Policy” in Appendix C.**

# GENERAL POLICIES

## CUSTOMER SERVICE COMMITMENT

The Town Administrator and employees share a commitment to customer service. This means that day-to-day activities, projects, and long range planning are marked by:

- The ability and willingness to listen for what the community needs
- A commitment to a high standard of ethics
- Cost effective actions
- Courtesy among co-workers and toward the public

Employees of the Town are dedicated to providing accurate information, in a timely manner and with courtesy.

- We work as a team sharing information to operate efficiently and effectively. Our processes are designed to make it easy for our customers to do business with us.
- We use technology when it is the most cost effective way to provide assistance to our customers.
- Employees are encouraged to find the best way to serve our customers while complying with the intent of local, state, and federal laws and regulations.

We all must remember we are here to solve problems.

### **Quick Essentials for Regaining Customer Satisfaction:**

1. Respond to the complaint.  
Just ask. "How can I help you?" "What do you need?" Often, the citizen is not one hundred percent right. Unfortunately they are not completely wrong either. Manage the exchange in a civil, constructive way.
2. Make it right.  
A dissatisfied citizen is potentially your best public relations person. Have a recovery strategy. Follow up on the complaints. Make them happy they let you know there was a problem. Let them know when it will be fixed.
3. Apologize appropriately.  
Let them know you understand and that you are genuinely sorry for the problem. Your full attention and understanding is very powerful.
4. Be human and friendly.  
Empathize and respond to their concern. Bureaucracies and policies are cold and impersonal. No one likes hearing what the rules are. They are looking for answers and solutions.
5. Be polite.  
Manners really go far with Customers. Be gracious. Use respect. "Please" and "thank you" are still magic words.

6. Remain professional.  
No matter how angry the customer or how vehemently they attack, remain poised and in control of your actions and words. Don't take the assault personally.
7. Listen carefully and speak clearly.  
Restate what you think you are hearing. Find out if you are hearing what they want to tell you. Speak slowly, succinctly, and directly to your customer. Don't use technical terms. Check out what was heard with a few simple, polite questions.
8. Be friendly.  
Shake your customer's hand with a warm, firm grip and a smile in your eyes...or smile though your voice if you work on the phone. A smile on your face will come through your voice on the telephone.
9. Value diversity.  
Appreciate the differences of age, culture, gender, and personality style. Your customer will feel valued and respected.
10. Follow-up.  
Review the internal process to prevent future problems. If there was one angry resident, there are probably more. Follow-up on the situation when things have calmed down. Confirm that the person who complained is satisfied with the resolution.

## **EMPLOYEE STANDARDS OF CONDUCT**

All persons employed by the Town hold a position of public trust, and as a result, must present themselves in a professional and appropriate manner. Employees are held to a higher standard of conduct, ethics, civility, and professionalism, both on duty and off duty.

Town employees shall avoid any action which might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting town business. Employees are expected to adhere to conduct established by the laws of the Commonwealth. Employees may be subject to disciplinary action for acting in a manner that is not consistent with these standards of conduct.

## **CONFLICT OF INTEREST**

All employees shall make themselves familiar with and comply with [Massachusetts General Law, Chapter 268A](#), which includes the following provisions:

- You may not ask for or accept anything worth \$50 or more from anyone with whom you have official dealings.  
***MA General Law sets the limit at \$50. The Town of Franklin expects that employees will not accept gifts of any value.***



- You may not hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- You may not 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, decisions, etc. involving a family member or a family member's business.
- You may not 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, 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.
- Unless you qualify for an exemption, you may not have more than one job with the town or schools.

*Exemptions are approved by the Town Council on a case by case basis based on the recommendation of the Town Administrator. An example of an exemption is a Town employee who coaches a Franklin Public School sports team during non-work hours.*

- You may not represent anyone other than the Town of Franklin or yourself in any matter in which the Town, as your 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.
- You may not ever disclose confidential information, data or material which you gained or learned as a public employee.
- Unless you make a proper, public disclosure -- including all the relevant facts -- you may not 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.
- You may not use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else.
- You may only use public resources for purposes directly related to your employment with the Town of Franklin. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, cars, staff time, sick time, uniforms, and official seals.

Every 2 years, all Town employees must complete a conflict of interest law online training program.

In addition, every year, Town employees must be provided with the summary of the conflict of interest law. Employees are required to sign a written acknowledgment that they have been provided with the summary.

**Please review and be familiar with the full “Summary of the Conflict of Interest Law for Municipal Employees”, in Appendix D.**

**Please sign for receipt of the “Summary of the Conflict of Interest Law for Municipal Employees” at the end of this document.**

An employee may also visit the [State Ethics Commission](#) website or contact the Commission directly for advice.

## **PUBLIC RECORDS**

The Massachusetts Public Records Law (Public Records Law) and its regulations provide that each person has a right of access to public information. This right of access includes the right to inspect, copy or have copies of records. The Public Records Law broadly define “public records” to include “all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee” of any Massachusetts governmental entity. This includes emails sent and received from a Town e-mail account. There are strictly and narrowly construed exemptions and common law privileges to the broad definition of “public records.”

### **Helpful Resources:**

- [Massachusetts Secretary of State’s Website – Information on the Public Records Law](#)
- [Office of the Secretary of the Commonwealth - Code of Massachusetts Regulation \(CMR\) 950 CMR 32 Public Records Access](#)
- [Municipal Records Retention Schedule](#)

**Employees are expected to comply with the “Public Records Policy” in Appendix E.**

## **PUBLIC EMPLOYEES AND CAMPAIGNS**

[Massachusetts General Law, Chapter 55, the Campaign Finance Law](#), regulates political activity by public employees and the use of public buildings and resources in campaigns. Public employees who take part in political campaigns should be aware of this law.

**The following information is taken from the Commonwealth of Massachusetts Office of Campaign and Political Finance’s handout [“Public Employees and Campaigns.”](#)**

### **Section 13: Public Employees**

No person employed for compensation by a municipality, other than an elected official, may directly or indirectly solicit or receive a contribution or anything of value for any political purpose (e.g. candidates, parties, PACs, ballot question committees).

A public employee **may not:**

- Sell tickets to a political fundraiser or otherwise solicit or collect contributions in any manner, such as by phone or mail
- Sponsor or host a political fundraising event
- Allow your name to be used in a fundraising letter, advertisement, phone call or email
- Help identify people to be targeted for political fundraising
- Serve as a treasurer of a political campaign

A public employee **may:**

- Contribute to candidates and attend fundraisers
- Run for office (an employee must organize a campaign committee if they plan to raise any money)
- Work for campaigns in a non-fundraising capacity, such as holding signs, stuffing envelopes, hosting coffees or other meetings or being a member of a committee

Under the Massachusetts Conflict of Interest Law, *all* public employees, *whether compensated or not*, **are not allowed to:**

- Use any public resources or facilities, or the Town seal, for campaign purposes
- Engage in any campaign activities during their working hours
- Solicit campaign contributions or services, or anything else of substantial value, from your employees, vendors you oversee, or anyone within your regulatory jurisdiction
- Represent a campaign (or anyone else) in connection with some matter in which the Town has a direct and substantial interest

### **Section 14: Government Buildings**

Soliciting or receiving campaign contributions in a government building is prohibited. Public buildings include all Town of Franklin buildings (Police, Fire, DPW, Library, Recreation, Municipal Building, etc.)

**No one (not just public employees) may:**

- Sell tickets to a fundraiser or otherwise solicit or collect political contributions in a public building
- Send a solicitation into a government building, such as by phone, mail, or email
- Use a public building as the site of a fundraiser, the return address for contributions or the contact phone number for buying tickets to a fundraiser
- Post an advertisement for a fundraiser in a public building

### **Use of Public Resources**

Public resources (government vehicles, office equipment and supplies and the paid time of public employees) may not be used for political campaign purposes, such as the election of a candidate or the passage or defeat of a ballot question. For example, a public employee may not, during their work day, render campaign service to a candidate or ballot question committee or use office postage or equipment to distribute campaign materials.

### **Helpful Resources:**

- [Massachusetts General Law, Chapter 55 – The Campaign Finance Law](#)
- [Campaign Finance Guide – Public Employees, Public Resources and Political Activity](#)

## **EMPLOYEE APPEARANCE**

Employees whose primary work is in an office setting are expected to dress in a way that enhances our professional and businesslike atmosphere.

Acceptable styles of dress may include, but are not limited to:

- Business suits
- Slacks
- Skirts/dresses
- Khakis
- Jackets, sweaters, collared shirts, blouses, jerseys

Unacceptable styles of dress include, but are not limited to:

- Jeans (except during snow storms and on Fridays)
- Shorts
- Running or jogging suits
- Novelty T-shirts
- Halter tops or crop tops
- Sweatshirts
- Sneakers
- Flip flops

Employees in non-office settings are expected to wear the appropriate uniform or clothing required of the individual department.

## **ATTENDANCE/PUNCTUALITY**

The Town of Franklin expects employees to be reliable and punctual. Employees should report for work on time and as scheduled. Regular attendance during all scheduled hours of work, reporting to work on time and continuing to work to the end of your scheduled shift is expected and is a required, essential function of the job. If an employee cannot come to work or will be

late for any reason, the employee must notify their supervisor as soon as possible. If there is a repeated pattern of absenteeism or late arrivals to work, an employee may be subject to discipline, up to and including termination from employment.

### **TOBACCO, NICOTINE, ALCOHOL AND DRUGS**

The Town of Franklin is committed to providing a safe workplace and establishing programs promoting high standards of employee health. Consistent with the spirit and intent of this commitment, the Town of Franklin does not allow tobacco products or nicotine delivery systems on Town property. Employees are expected to comply with the “Tobacco and Nicotine Policy” in Appendix F.

The Town of Franklin expects employees to report for work in a condition to perform their duties. Employees who are under the influence of alcohol and drugs, including marijuana, either on the job or when reporting to work, or who possess or consume alcohol or drugs during work hours may be subject to disciplinary action, up to and including termination of employment. Employees are expected to comply with the “Alcohol and Drug Policy” in Appendix G.

### **WORKPLACE VIOLENCE**

The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. All reported incidents will be taken seriously, and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

Employees are expected to comply with the “Workplace Violence Policy” in Appendix H.

### **SOLICITATION AND DISTRIBUTION**

To prevent unnecessary interference with employees’ work, an employee is prohibited from soliciting another employee in working areas while either the person doing the soliciting or the person being solicited is on assigned working time. Solicitation by non-employees in working areas is prohibited at all times.

Distribution by employees of advertising material and printed or written literature of any kind is prohibited on assigned working time and at all times in working areas. Distribution of literature by non-employees in working areas is prohibited at all times.

For the purpose of this requirement, working times means those periods when an employee has duties or tasks to perform, but does not include rest periods, lunch periods or similar personal

time which may be paid time. The only exceptions to this policy are special exemptions for Town-adopted or sponsored programs for solicitation or distribution which have been approved, in advance, by the Town Administrator.

This requirement is not intended to restrain or interfere with any rights afforded to our employees by law or by an applicable collective bargaining agreement.

### **PROPER PUBLIC SPENDING AND REIMBURSEMENTS**

Town of Franklin employees are expected to spend Town money judiciously. All expenditures should have a distinct benefit to the Town and its ability to execute its powers and duties.

**The following guidelines must be followed when incurring business-related expenses and seeking reimbursement:**

- Employees are expected to secure approval from their department head, *prior to* incurring business-related expenses.
- Employees are encouraged to identify and have *the Town prepay* all expenses (e.g., plane tickets, hotel accommodations, conference fees). If this is not possible, employees may pay for the expenses and seek reimbursement.
- Business travel will be reimbursed to an employee at the lesser mileage from either the distance from the employee's residence to the business location or from the employee's normal work location to the business location. Reimbursement will be made at the rate established by the Town Administrator in January of each year. Employees must log their origination point and destination point on the reimbursement form.
- In order to be reimbursed for expenses, an employee must complete an expense voucher accurately and completely, attaching all itemized receipts and records of payments made by the employee to the form. Reimbursements should be submitted to the employee's department head for approval within one month of the expense. The department head will then review and approve, deny, or seek clarification regarding the expenses.
- Employees will be subject to disciplinary action, up to and including termination, if it is determined that an employee has knowingly and purposefully falsified an employee expense reimbursement form or failed to pay a bill after the Town reimbursement.

**Employees are expected to comply with the "Proper Public Spending Policy" in Appendix I.**

## **FRAUD**

The Town of Franklin is committed to complying with and requires its employees (which includes officers, board, committee, and commission members and other persons acting on its behalf) to comply with all applicable Town policies, state and federal laws and regulations and internal accounting controls.

Employees must report suspected instances of fraud to their immediate supervisor or the next appropriate management level. There shall be no retaliation by the Town or its employees against any employee who, in good faith, reports fraudulent behavior.

**Employees are expected to comply with the “Fraud Policy and Response Plan” in Appendix J.**

## **WHISTLEBLOWER PROTECTIONS**

In accordance with [Massachusetts General Laws Chapter 149, Section 185](#), the Massachusetts “Whistleblower” statute, the Town of Franklin will protect employees who have reported improper government actions.

**The Town will comply with the “Whistleblower Policy” in Appendix K.**

## **COMPUTER USE AND EXPECTATION OF PERSONAL PRIVACY**

The Town provides and maintains numerous forms of electronic tools, including e-mail, internet, and intranet. These hardware and systems are, and remain at all times, the property of the Town. All messages and files created, sent, received, or stored within the system should be related to business. They are the property of the Town and are subject to public record laws.

The Town reserves the right to retrieve and review any message or file composed, sent, or received. Please be aware that although a message or file is deleted or erased, it is still possible to recreate the message. Therefore, privacy and confidentiality of messages should not be expected.

**Employees are expected to comply with the “Electronic Communications and Computer Use Policy” in Appendix L.**

## **DATA SECURITY AND CONFIDENTIAL NATURE OF WORK**

The Town of Franklin is committed to safeguarding personal information in its possession and ensuring the confidentiality of such information.

The Town will only collect personal information that is required to operate its business and to comply with government reporting and disclosure requirements. Personal information collected includes names, addresses, telephone numbers, e-mail addresses, emergency contact information,

EEO data, social security numbers, date of birth, banking information, employment eligibility data, benefits plan enrollment information (which may include dependent personal information), and education or certification credentials. All personnel files are maintained in locked, segregated areas and are not used by the Town in the course of its business operations.

Personal information may be shared as required and with those who have a need to have access to such information. All hard copy records will be maintained in locked, secure areas with access limited to those who have a need for such access. Personal employee information used in business system applications will be safeguarded by proprietary electronic transmission and security systems. Participants in Town benefit plans should be aware that personal information will be shared with plan providers as required for their claims handling or record keeping needs. If an employee becomes aware of a material breach in maintaining the confidentiality of their personal information, the employee is encouraged to report the incident to the Human Resources Department. Human Resources will investigate the incident and take corrective action. Please be aware that a standard of reasonableness will apply in these circumstances. Examples of the release of personal employee information that will not be considered a breach include the following:

- Personal telephone numbers or e-mail addresses may be distributed to department heads in order to facilitate work schedules or business operations.
- Employee identifier information used in salary or budget planning, review processes and for timekeeping purposes will be shared with department heads.
- Employee anniversary or service dates may be distributed to appropriate department heads periodically.

Employee and applicant records shall be kept in locked and secured areas. Sensitive papers should not be left unattended on desks. Those with access to such records should be clearly identified, and those employees are responsible for maintaining the security of the records.

Outdated hard copy records which contain confidential employee information should never be merely discarded, but should be shredded.

## **PERSONNEL RECORDS**

The Town of Franklin's philosophy is to safeguard personal employee information in its possession and ensure the confidentiality of the information. Personnel files are confidential and are not public records. Personnel files are maintained in locked files in the Human Resources office. *Individual departments must forward all original documents for the personnel file to Human Resources and should not maintain secondary personnel files.*

The Town will only collect personal information that is required to conduct its operations and to comply with government reporting and disclosure requirements.

In accordance with [Massachusetts General Law, Chapter 149, Section 52C](#), the Town shall notify an employee within 10 days of placing information into the personnel file which has been used, or may be used, to negatively affect the employee's qualification for employment, promotion,



transfer, additional compensation or the possibility that the employee shall be subject to disciplinary action.

If an employee wishes to review their personnel file, they must submit a written request to the Director of Human Resources. Human Resources shall provide the employee the opportunity to review their file within 5 business days of the request. The review shall take place in the Human Resources office during normal business hours. An employee shall be given a copy of the employee's personnel record within 5 business days of submission of a written request to the Town.

## **SOCIAL MEDIA**

The Town of Franklin has created social media accounts for departments to use as a customer service tool to disseminate information to the community. Users posting content under an official Town of Franklin social media page must be approved by the Town Administrator and are expected to comply with the Town's "Social Media Guidelines for Town Sponsored Accounts" in Appendix M.

Employees who choose to use personal social media accounts must be aware that anything that is posted on social media lives forever and may be seen by unintended audiences, even if privacy settings are enabled. Employees using personal social media accounts should consider content carefully and are expected to comply with the "Social Media Guidelines for Personal Use" in Appendix N.

## **VEHICLE USAGE**

Employees who are using Municipal Vehicles or using personal vehicles for town business, must have a valid driver's license, wear and utilize safety belts at all times, refrain from smoking, refrain from cell phone use, and stay within posted speed limits and adhere to all motor vehicle regulations. Friends and family members should not travel in town-owned vehicles.

Employees are expected to comply with the "Vehicle Usage Policy" in Appendix O.

## **WEATHER AND EMERGENCY EVENTS**

These guidelines should be followed in the event that snow, other weather-related events, or emergency situations cause the closing or limited staffing of municipal departments.

**These guidelines do NOT apply to emergency personnel such as public safety, custodial and maintenance staff, or non-administrative Department of Public Works personnel.** These employees are considered "essential" and must report to work per their supervisor's instructions.

It is the policy of the Town of Franklin to compensate employees who cannot report for work when the municipal building they work in is closed due to snow, a weather-related event or an emergency situation.

If snow or another weather-related event occurs before or during morning commute hours, employees should take the reasonable amount of time necessary to arrive at work safely. Employees who prefer to use accumulated leave time in lieu of reporting to work, generally may do so with prior approval from their supervisor. Such approval shall not be unreasonably withheld. Unless a municipal building is closed by the Town Administrator, employees who do not report to work at all must use their own accumulated leave for the day.

In the event that a decision is made by the Town Administrator to not open Town buildings, or to schedule a late opening, appropriate notification will be posted on the [Town website](#). Employees will also receive a notification message via phone call, text message, and/or e-mail through an automated system. Whenever possible, the Town Administrator will make the decision by 5:30 a.m. so that employees may plan accordingly.

An employee (including a part-time, non-benefitted employee) who is ***scheduled to work*** will be compensated for the period that the municipal building in which they work is closed. If an employee was previously scheduled to be on vacation, sick or other leave for that period, they will be required to use that leave time. If a part-time employee was not scheduled to work, they will not be compensated for the day.

## **DISCIPLINARY PROCESS**

Department heads are responsible for enforcing the policies and regulations to maintain professional and efficient operations. When necessary, this will involve imposing discipline. For most situations, discipline should, if possible, be progressive, but serious infractions may result in more serious discipline or immediate dismissal.

When an employee's performance is not appropriate or acceptable, the supervisor or department head should contact the Director of Human Resources to determine an appropriate course of action.

### **Progressive Discipline**

The following guidelines are designed to improve performance and/or correct behavior. Individual steps may be skipped or repeated, depending on the facts of the case. Department heads and supervisors must work with the Director of Human Resources on all disciplinary issues. At every step, the purpose of the discipline is to help the employee correct the unacceptable behavior.

#### **1. Verbal warning/counseling**

Whenever there are grounds for discipline, and more serious action is not required, the supervisor should talk with the employee, explain the deficiency or violation, and ensure

the employee understands what is expected. A memo, confirming the purpose for the discussion and the date will be given to the employee.

## **2. Written warning/reprimand**

An employee who commits a serious offense or who has previously been verbally warned may be given a written warning. This will include the specific behavior, the date(s) of the event, and relevant facts.

Whenever possible, the supervisor will offer suggestions for improvement or assistance in correcting the behavior. The employee will also be advised that further discipline will result in more severe disciplinary action.

The written warning should be signed by the supervisor/manager and by the employee to acknowledge receipt of the warning. If the employee declines to sign, the supervisor will indicate “employee declines to sign” on a copy of the letter. A copy of the warning will be placed in the employee’s personnel file. The employee may provide a written response to the warning and that document will be placed in the personnel file.

## **3. Suspension**

The department head or Town Administrator may suspend an employee who commits a serious offense or who previously had been warned in writing. The length of the suspension is related to the significance of the offense and prior discipline record of the employee.

On or before the effective date of the suspension, the department head or Town Administrator will give the employee written notice which will include the reason for the suspension and the effective date(s). Notice will also indicate that continued unacceptable behavior will result in more severe disciplinary action and potentially termination.

The Town Administrator must issue suspensions that are more than five (5) days in length.

## **4. Removal or dismissal**

Only the Town Administrator may terminate an employee for cause.

The Town will provide the employee with a written notice of intent to terminate, stating the cause or causes for this action and deliver the letter by hand or by certified mail to the last known address of the person.

The employee may request a hearing within seven (7) calendar days of the written notice. The hearing, before the Town Administrator, shall be held within fourteen (14) calendar days of the request.

The employee may be represented by counsel at the hearing and may call and question witnesses.

Final action will be taken by the Town Administrator within five (5) calendar days of the hearing. If no hearing is requested, the action will be taken within five (5) calendar days of expiration of the seven day notice period. The time frame for the decision may be extended by mutual agreement.

At every step, both the employee's right to privacy and the right of the public to have access to public information shall be preserved.

**Employees covered by a collective bargaining agreement shall review the applicable Collective Bargaining Agreement for additional information regarding discipline and the appeals process. The guidance set forth in Section 4 is for non-union employees.**

## RECRUITMENT AND SELECTION

The Town of Franklin seeks to fill its positions with skilled and competent individuals. The recruitment and selection system is designed to attract a pool of qualified candidates and select the most suitable candidate for a vacant position. Selection and appointment to all positions is based on job-related requirements and the applicant's demonstration that they possess the skills, knowledge, abilities, and other characteristics necessary for successful job performance.

### JOB POSTINGS

#### **Defining the job:**

When a vacancy occurs, the Town Administrator, Director of Human Resources, and department head will review the functions and workload to determine if the job should be modified, left vacant, or filled. The department head and Director of Human Resources will work together to update the job description and create a job posting.

#### **Job Posting:**

Job vacancies will be posted on the [Job Opportunities Page](#) of the Town of Franklin website for at least ten (10) business days. The methods of advertising will vary, depending on the nature and requirements of the position being filled.

Current employees and individuals who are interested in working for the Town of Franklin may [subscribe](#) to receive email notifications when a position is posted.

Union positions will be posted internally as required in the applicable collective bargaining agreement before they are posted externally, if at all.

The department head may request a posting waiver from the Town Administrator in circumstances where a job posting may not be necessary. A posting waiver may be granted in the following circumstances:

- Position was posted within the last six months and received a robust pool of applicants
- The position is for a substitute or "on call" employee who is not guaranteed a certain number of hours each week
- Other circumstances approved by the Town Administrator

#### **Selection Procedures:**

Applicants must apply for each position by submitting a resume and cover letter or an employment application with the Department of Human Resources. Email submission of documents is preferred.

The department head or their designee will work with the Director of Human Resources to establish a "search committee." In most cases, the search committee will be made up of the employee's direct supervisor and at least one other person who is familiar with and works closely with the vacant position. The search committee will review all applications to determine which candidates should be interviewed. Factors to be considered in determining qualifications

include, but are not limited to: training, education and work experience, written and oral communication skills, and professional certifications.

**Interviews:**

The search committee will interview qualified applicants, using a pre-established list of standard questions. Barring extenuating circumstances, the full search committee should be present for all interviews.

Applicants who are interviewed for a position shall complete a Town of Franklin employment application. By signing the form, the applicant certifies that all the information is accurate and truthful and acknowledges that deliberately false or misleading statements and deceptions on the application will be grounds for rejecting an applicant. The application also includes a release form so that the Town may conduct reference checks and complete a background check.

At the conclusion of interviews, the department head will recommend at least one finalist to the Director of Human Resources and Town Administrator.

**Preliminary Offer of Employment:**

Theo of Human Resources will conduct reference checks for the finalist and make a preliminary offer of employment. The preliminary offer of employment is subject to the results of a background check, which may include, but is not limited to:

- CORI check
- Fingerprints for employees working in close proximity to schools and children
- Pre-employment physical, including a drug screen
- Credit check for certain financial positions
- Physical Abilities Test (PAT) and Psychological Exam and other pre-hire requirements for new Police and Fire employees

**CORI checks will be completed in accordance with the Town's Criminal Offender Record Information (CORI) Policy in Appendix P.**

**Final Offer of Employment:**

After the completion of the full background check, the Town Administrator, as the appointing authority for the Town, will meet with the candidate and make a final written offer of employment.

## **FAMILY RELATIONSHIPS**

When in the normal selection process, family members of Town employees or officials are considered for appointment or promotion, the department head shall notify the Town Administrator in writing. No person shall be hired or promoted based upon their family relationship to a Town employee or official.

No employee shall be in a position that supervises their family member, directly or indirectly. Family members working in the same department should be assigned, as appropriate, to different work groups, shifts or work assignments.

“Immediate family” includes the employee’s spouse and the parents, siblings, and children of both the employee and the employee’s spouse. In situations where “immediate family” members work for the Town, they shall not work in the same Department.

This policy is intended to eliminate the perception of or potential for preferential treatment of family members of Town personnel.

### **EMPLOYEE PROBATIONARY PERIOD**

The probationary period is an integral part of the selection procedure allowing the supervisor and department head to train, observe and evaluate an employee's work in order to determine fitness for retention in the position. Each person hired or promoted into a position with the Town of Franklin shall complete a probationary period to enable the department head to observe the employee's ability to perform the essential duties of the position.

The probationary period shall begin immediately upon appointment or promotion and continue for at least six (6) months. The probationary period for police officers and firefighters is twelve (12) months.

Throughout the probationary period, the supervisor will observe the employee's performance and discuss any strengths or weaknesses in the employee's performance with the employee. The supervisor/manager must be in touch with Human Resources during the probationary period to develop improvement plans or to discuss and document performance issues.

If an extension of the probationary period is desired for additional observation, the Town Administrator may allow the employee to continue in their position temporarily. The terms of the extension will be put in writing and acknowledged by the employee (and their union representative, if applicable). No merit increase shall be granted until the employee has completed the extended probationary period. The extension may not exceed six (6) months.

An employee may be removed at any time during the probationary period if the employee is unwilling or unable to perform required duties or displays poor work habits or dependability. The Town Administrator will notify the employee in writing that they are being terminated and the effective date of the action.

An employee may also be removed at any time if it is revealed that information submitted prior to appointment was falsified.

## **PROMOTION**

Employees are encouraged to develop new skills, expand knowledge of their work, assume greater responsibilities and make known their qualifications for promotion to more difficult and responsible positions.

Employees are encouraged to apply for any vacancy they may qualify for as it becomes available.



## TRAINING AND DEVELOPMENT

It is expected that employees are hired with the skills necessary to perform their jobs. However, over time, job needs change. Managers and employees share a joint responsibility for maintaining and expanding these job skills. The supervisor and employee should regularly discuss areas where training is needed or desirable for performance in the employee's present position, or would be helpful in developing additional skills for other positions in the Town.

Whenever possible, managers will give employees opportunities to learn on the job. This may include special projects, new responsibilities, one-on-one coaching, or attendance at seminars.

Individual departments set aside money for professional development seminars and conferences in their budgets.

## DEAN COLLEGE COURSES

Full-time and regular part-time (more than 20 hours per week) employees of the Town of Franklin have the opportunity to enroll, tuition-free, in one course per semester at Dean College.

Please be aware of the following:

- The cost of registration, books, lab fees, or materials are not covered
- Courses are only available to Town of Franklin employees if there is still availability

Procedure:

- Contact Dean College for a class schedule or find one [online](#)
- Decide on the class you wish to take
- Obtain a letter from the Office of Human Resources confirming that you are a regular part-time or full-time employee and are eligible for the course
- Take the letter to Dean's School of Continuing Studies and enroll in the course or call 508-541-1627

## TUITION REIMBURSEMENT

The Human Resources Department maintains a budget, subject to appropriation, to reimburse employees for courses directly related to their professional field up to 50% of tuition or \$1,000.00, whichever is less.

Funds are limited and are allocated as requested. The employee must request approval of the course from their supervisor and submit the request to Human Resources to verify that funds are available at least 30 days before the start of their course.

The employee must also provide documentation verifying a passing grade of "B" or better within 30 days of completion of the course. Once documentation is received, the employee will be reimbursed.

# SAFETY POLICES AND PROCEDURES

## EMPLOYEE SAFETY

The Town strives to provide a healthy and safe work environment for its employees. Maintaining safe working conditions requires the cooperation of Town management and employees. It is each employee's responsibility to perform and complete their work assignments in a safe manner in compliance with all Town policies and any applicable safety laws or regulations. The wellbeing of all persons involved and the protection of our physical resources are as important as the work being performed. We must each strive to perform the tasks of government operations and public services without accidents. It is the responsibility of all Town of Franklin employees to contribute to this goal. **No assignment is so critical that time cannot be taken to do it safely!**

**If an employee becomes aware of a situation that may endanger their own health or safety or someone else's health or safety, the employee should notify a supervisor immediately.**

Many departments have their own safety policy manual. It is the responsibility of employees to identify and become familiar with the emergency plan for their respective departments.

Attention to personal safety cannot be overemphasized. Safety is stressed in all jobs and at all levels. Failure to comply with the safety standards established by a department can result in the town's denial of responsibility for any worker's compensation claims. If an employee has suggestions regarding additional safety measures, they are encouraged to put the suggestions in writing and submit them to the Town Administrator. The Town also has a Safety Committee which meets at least quarterly to look at losses and minimize their future occurrences.

Employees operating Town-owned vehicles or equipment are required to wear safety belts and may not wear headphones. **Please review the "Vehicle Usage Policy" in Appendix O for additional safety requirements when operating a vehicle.**

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. All reported incidents will be taken seriously, and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. **Please be sure to review and be familiar with the "Workplace Violence Policy" found in Appendix H.**

## MASSACHUSETTS WORKPLACE SAFETY AND HEALTH PROTECTION FOR PUBLIC EMPLOYEES

Massachusetts General Law Chapter 149, Sections 6 and 6-1/2 provide job safety and health protection for state, municipal and county workers through the promotion of safe and healthful work conditions.

**The Town:** The Town of Franklin is required to provide procedures, equipment and training to prevent work-related injuries and illnesses.

**Employees:** Employees are required to comply with the policies and procedures established in their workplace to reduce work-related injuries and illnesses.

**Inspection:** The Department of Labor Standards (“DLS”) may conduct an on-site inspection to evaluate workplace conditions and make recommendations for the prevention of work-related injuries and illnesses.

**Enforcement:** DLS may issue a Written Warning which contains an Order to Correct when an inspection reveals a condition which could cause a work-related injury or illness. DLS may issue a Civil Citation with Civil Penalty in circumstances when the employer repeatedly allows an unsafe condition to occur, the condition has already caused a serious work-related injury, or if an employer has ignored a previous Written Warning.

**Voluntary Assistance:** Public sector workplaces may request technical assistance by contacting the DLS at 508-616-0461 or [safepublicworkplacemailbox@mass.gov](mailto:safepublicworkplacemailbox@mass.gov). There are no written warnings or penalties issued for voluntary assistance.

**Complaints:** Public employees or their representatives may file a complaint about safety and health conditions at their workplace by contacting DLS at 508-616-0461 or [safepublicworkplacemailbox@mass.gov](mailto:safepublicworkplacemailbox@mass.gov).

**Safety and Health Management:** Sample safety programs and technical bulletins are available at [the Workplace Safety and Health Program \(WSHP\) website](#).

## **WORKERS’ COMPENSATION**

Despite the careful efforts of supervisors and employees to maintain safe working conditions and practices, accidents do happen. The Town of Franklin provides protection against loss of income and medical expenses incurred for job-related injuries or illness, through Workers’ Compensation insurance.

The Town’s Workers’ Compensation Plan provides coverage of medical and related expenses, as well as salary protection for employees as a result of qualifying work-related injuries or illnesses. Police and fire personnel are provided similar protection pursuant to Massachusetts law. For Police Officers and Firefighters, please refer to [Injuries to Police Officers and Firefighters](#) below.

The Massachusetts Interlocal Insurance Association (MIIA) handles all Workers’ Compensation claims for the Town of Franklin. **If you are injured at work and require medical treatment, make sure you tell the treating physician that the injury was work related.** Let them know that they should not bill your personal health insurance and instead should direct all inquiries to:

MIIA Member Services  
One Federal Street  
Boston, MA 02110

Phone: 888-266-6442  
Fax: 617-753-9987

**It is very important the all Workers' Compensation claims be filed immediately upon their occurrence, even if an employee does not seek medical attention immediately and does not miss work right away.** All injuries and illnesses, regardless of how minor, should be immediately reported to the direct supervisor, or in their absence, the department head. Failure to properly report an incident covered by Workers' Compensation may result in denial of coverage.

The supervisor will ensure that the following forms are completed:

- Supervisor's Report of Incident – Intake Form
- Medical Authorization Form

The supervisor will be responsible for entering the intake form into the Town's reporting system, [NavRisk](#), and must scan copies of the forms and attach them in the system. The supervisor shall then forward all original forms to the Human Resources Department. Forms will be kept in a file separate from the employee's personnel file.

If an employee is unable to work due to a work related illness or injury, they must use accrued leave time to cover the first 5 calendar days of missed work. If an employee is out for 6 *or more full or partial days* (the days don't have to be consecutive), they may be eligible to be paid directly by the Workers' Compensation carrier, MIIA.

Workers' Compensation benefits start on the 6<sup>th</sup> calendar day of disability. An employee will not be paid for the first 5 days unless they are unable to work for 21 calendar days or more. If an employee is out for 21 calendar days or more, Workers' Compensation will go back and compensate the employee for the first 5 days. If this payment is made, the employee shall work with the payroll department to forward this payment to the Town so that the employee is not paid twice.

Workers' Compensation benefits are based on 60% of the employee's gross (pre-tax, pre-benefits) average weekly wage. The average weekly wage is based on total gross wages for the 52 weeks immediately preceding the injury or illness. If an employee chooses, they may use accrued leave balances for the remaining 40% of pay. If this is the case, the employee must send Human Resources something in writing (e-mail is acceptable) requesting to supplement the Workers' Comp.

Example: If an employee works 8 hours per day, 5 days per week, MIIA will essentially pay the employee for 3 days (24 hours) of this time. The employee may then indicate to Human Resources in writing that they would like to use accrued leave to get paid for the remaining 2 days (16 hours).

Please note, once an employee starts being paid by MIIA, they will not be paid by the Town of Franklin. Therefore, an employee may not be able to fund payroll deductions, such as health

insurance and other benefits. The employee must work with Human Resources to set up direct billing if necessary.

**Helpful Resources:**

- [Department of Industrial Accidents website](#)
- [Massachusetts Workers' Compensation Guide for Injured Workers](#)

## **INJURIES TO POLICE OFFICERS AND FIREFIGHTERS**

Injuries incurred by Police Officers and Firefighters in the performance of their duties are governed by Massachusetts General Laws [Chapter 41, Section 100](#) and [Chapter 41, Section 111F](#) ("111F"), rather than the workers' compensation laws.

Any time lost by the employee as a result of an injury on duty shall not be charged against the employee's sick leave. Eligible employees are entitled to 100% of their compensation on a tax free basis.

If a Police Officer or Firefighter is injured on duty, they must report this injury to a supervisor immediately and complete an injury report. The Police or Fire Chief will sign off on this report and attest that the injury was work related. This injury report must be signed by the Town Administrator and Human Resources will forward the report along to Gowrie Group.

The Gowrie Group handles all injured on duty claims for the Town of Franklin. **If you are injured at work and require medical treatment, make sure you tell the treating physician that the injury was work related.** Please let them know that they should not bill your personal health insurance and instead should direct all inquiries to:

Gowrie Claims Services – Injured on Duty  
P.O Box 578  
Brant Rock, MA 02020  
Phone: 781-536-6922  
Fax: 781-536-6930

## **LIGHT DUTY**

Employees who are able to perform light duty within reasonable medical restrictions, as certified by a health care provider, may be required to do so at the discretion of the Town Administrator in consultation with the department head. This policy does not supersede the provisions of any applicable collective bargaining agreement.

## CLASSIFICATION AND COMPENSATION

### DEFINITION OF EMPLOYEE CATEGORIES

Regular full-time employee is an employee who routinely works at least 35 hours per week.

Regular part-time employee is an employee who routinely works more than 20 hours per week and receives benefits, including paid time off and health insurance.

Part-time employee is an employee who routinely works 19 or fewer hours per week. A part-time employee does not receive health insurance or other benefits such as paid time off.

Temporary employee is an employee in a full or part-time position which is not likely to require the services of an incumbent regularly or on a year-round basis. Seasonal employees and employees hired for a specific project on a short-term basis are considered temporary employees.

Exempt employee is an employee who is exempt from the minimum wage and overtime regulations of the Fair Labor Standards Act (FLSA) and is paid a flat amount of money per pay period (salary), regardless of the number of hours worked.

Non-exempt employee is an employee who is typically paid on an hourly basis and is entitled to overtime pay for hours actually worked in excess of 40 in one workweek at time and one-half the regular rate of pay.

### CLASSIFICATION PLAN

The Town of Franklin maintains a position classification plan that forms the foundation of its personnel administration program. All non-union positions are classified according to required skill level and qualifications necessary to successfully perform in a position.

All positions are reviewed at the beginning of each fiscal year to maintain the proper classification. There are 21 different grades. Factors used to establish a grade include, but are not limited to:

- Qualifications and skills
- Supervision or supervisory responsibility
- Impact on municipal operations
- Budget
- Decision making authority
- Peers in the organization

Employees, supervisors or department heads who feel a position is improperly classified may request a classification review. Requests should be submitted in writing to the Director of Human Resources. The Director of Human Resources will work with the Town Administrator to review the position. After the review, the Town Administrator will issue a written decision.

If a request for reclassification has been denied, a period of twelve months must elapse before a request may again be initiated unless there are justified extenuating circumstances.

### **COMPENSATION PLAN**

The Town maintains a competitive pay plan, providing compensation that helps attract and retain qualified employees. The Director of Human Resources is responsible for the development and maintenance of a logical and competitive pay plan, including minimum and maximum pay rates for each pay grade in the compensation plan.

The compensation plan reflects rates of pay for similar employment in public and private organizations, cost of living factors, financial and economic considerations of the Town, and the ability of the Town to recruit and retain qualified employees.

The Director of Human Resources, through the Town Administrator, regularly reviews and edits the Compensation Plan and will file updated copies with the Town Clerk's Office.

### **HOURS OF WORK AND BREAKS**

All Town of Franklin full-time staff are scheduled to work between 35 and 40 hours per week.

Department heads, assistant department heads, supervisors and professional staff measure their hours of work against the workload demands and may require hours above the regularly schedule office hours. These employees are generally considered "exempt" employees and are paid on a salary basis.

Municipal building employees are required to work the standard hours that the building is open (8:00 – 4:00, 8:00 – 6:00 on Wednesdays, 8:00 – 1:00 on Fridays), unless otherwise approved by the department head. The normal workweek is 35 hours per week.

Hours of other employees shall be in compliance with collective bargaining agreements and departmental requirements.

Pursuant to Massachusetts law, employees who work a period of more than six (6) consecutive hours are **required** to take at least one thirty (30) minute *unpaid* meal break, during which they will be relieved of all work duties.

All full-time employees, and part-time employees working more than five (5) hours per day, may take one fifteen minute break.

## **OVERTIME**

*Employees covered by a collective bargaining agreement shall review the applicable Collective Bargaining Agreement for additional information on overtime rules. This section applies to non-union employees.*

Payment for overtime of hourly non-exempt employees shall be in accordance with the terms of the Fair Labor Standards Act (FLSA). If an assignment requires work in excess of 40 hours in a single workweek, such overtime work must be *authorized in advance* by the department head. Department heads and supervisors shall not authorize employees to work during unpaid lunch periods or to “volunteer” to work extra. Non-exempt employees shall be paid one and one-half times their regular hourly rate for hours actually worked beyond 40 in a workweek.

No overtime work should be engaged in without the express prior approval of the department head.

Exempt (salaried) employees are not eligible for overtime pay.

The Town of Franklin does not allow compensatory (“comp”) time.

## **FLEX TIME**

Employees may be permitted to arrange their usual business schedules to accommodate unusual demand for evening or weekend work, subject to the advance approval of the Town Administrator or department head. For example, an employee obliged to attend extra evening meetings may wish to come into work late the next day after such meeting.

Managerial personnel are expected to keep the normal business hours worked by others in their department, but flexible scheduling for unusual time demand periods may be appropriate.



## LEAVES

*Employees covered by a collective bargaining agreement shall review the applicable Collective Bargaining Agreement for information on leaves. If there is a conflict in policy, the Collective Bargaining Agreement Prevails.*

## EARNED TIME

The Earned Time Policy for full-time and regular part-time employees is located in [Appendix Q](#).

## CIVIC DUTY LEAVE (INCLUDING JURY DUTY)

Employees are entitled to leave with pay when called to perform their civic duty, such as for jury service or when subpoenaed as a witness on behalf of any city, town, the commonwealth or the federal government. Employees are not entitled to receive payment from **both** the Court and the Town unless they are utilizing their own accumulated leave time.

Employees must provide a copy of the official notice of jury duty or witness appearance notice in order to be compensated for the day.

An employee who receives fees for jury service, exclusive of reimbursement for travel, meals and incidentals, may:

- retain the jury fees, *in lieu of regular straight time pay for the day*, if such fees exceed their regular rate of pay; or
- remit the fees to the Town Comptroller's office, if the fees are less than their regular rate of pay

An employee on civic duty leave status must remit witness and other fees (excluding those for reimbursement for travel, meals and incidentals) to the Town for service performed during regular working hours. Any fees for service paid during an employee's vacation or on a holiday may be retained by the employee if that day is properly charged to vacation time or falls on a recognized holiday.

**Civic duty leave will not be paid to an employee who is a defendant, is called as a witness for the defense, or who is involved in personal litigation.** An employee who is subpoenaed to appear, by a party other than the government of a city, town, state or federal government, must use their accumulated leave time or request a leave of absence. Department heads should allow the employee to use such time in compliance with a subpoena unless the result would be extreme hardship on the Town.

An employee who is required to appear in a court of law for an employment related matter will be paid for such time at regular straight time or overtime pay, whichever is appropriate. For example, a Police Officer who is required to appear in a court of law as a result of their employment is considered to be working, and not performing their civic duty. Therefore, such time is considered work and not civic duty leave.

An employee who is discharged from jury or other court duty must report to their work location if, by the time they arrive back at the work location, more than half of the employee's regularly scheduled workday remains available for work.

**Part-time employees working fewer than 20 hours per week, and temporary and seasonal employees will be entitled to paid civic duty leave for a maximum of three days.**

Absence due to authorized civic duty leave shall not affect an employee's benefits.

### **MILITARY LEAVE (USERRA LEAVE)**

Military Leave is provided to an employee who is on military service. Service includes but is not limited to active duty, duty for training, and full-time National Guard duty and may extend for as long as five (5) years.

It is the employee's responsibility to notify their department head of the date they are leaving for military service and to provide written proof from military officials. A copy of the proof will be filed with the Human Resources Office.

If an employee is called for Reserve or National Guard duty, they will be paid the difference between the total compensation received on duty and regular compensation.

The Town will reemploy a returning service member as long as the position they vacated still exists and would, if vacated, be filled. Employees who have been on active service for extended periods of time are encouraged to take appropriate time prior to returning to work, but they must return to work or apply for reemployment in a timely manner after the conclusion of their military service.

Service less than 31 days:	first full regular workweek following service
Service 30 – 180 days:	no later than 14 days after completing service
Service for more than 180 days:	no later than 90 days after completing service

A returning employee has the same vesting and benefit accrual rights as an employee who had been in continuous employment.

### **BEREAVEMENT LEAVE**

Non-union full-time and regular part-time employees shall be granted a leave of absence with pay upon the death of a spouse, child, step-child, parent, step-parent, spouse's parent, brother, sister, grandparent, grandchild, a person for whom the employee is the legal guardian, or a member of the household. A "member of the household" includes anyone who resides with the same family unit as the employee and who is regarded, generally speaking, as a member of the family.

Bereavement leave includes the day on which the death occurs and three (3) additional work days. This leave may be used, at the option of the employee, within fourteen (14) calendar days from said death. In extraordinary circumstances, at the discretion of the Director of Human Resources, bereavement leave may be used after fourteen (14) calendar days from the date of death.

An absence of up to one (1) full day may be allowed to attend the funeral or memorial service of a relative other than immediate family.

Exceptions to the bereavement leave must be approved by the Director of Human Resources, in consultation with the Town Administrator.

**Employees covered by a collective bargaining agreement shall review the applicable Collective Bargaining Agreement for bereavement leave entitlements.**

## **RELIGIOUS OBSERVANCE**

The Town of Franklin respects the right of each employee to worship as their faith dictates. Generally, employees may use earned time, vacation, or personal time for religious holidays they wish to observe. In addition, the Town will provide reasonable accommodations for employees' religious beliefs or practices unless doing so would impose an undue hardship on the Town. A reasonable religious accommodation is an adjustment to the work environment that will allow you to practice your religion. To make a religious accommodation request, please contact your department head, who will consult with the Director of Human Resources.

## **FAMILY AND MEDICAL LEAVE ("FMLA")**

The Family and Medical Leave Act of 1993 entitles employees to take unpaid, job-protected leave for family and medical reasons. Eligible employees are entitled to:

- Twelve (12) workweeks of leave in a 52-week period for:
  - A serious health condition that makes the employee unable to perform the essential functions of their job
  - To care for the employee's spouse, child, or parent who has a serious health condition
  - The birth of a child and to care for the newborn child within one year of birth
  - The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement
  - Any qualifying emergency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty"
- Military Caregiver Leave: Twenty-six workweeks of leave during a single 52-week period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin

After the leave, employees will be entitled to be restored to the same position of employment as held when the absence began, or to be restored to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

If medically necessary, time off may be taken on an intermittent or reduced leave schedule. The total FMLA protected time off may not exceed a total of 12 workweeks over a 52-week period of time. If intermittent leave is required, the Town may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of absence or a part-time schedule, provided the position has equivalent pay and benefits.

**Employees should review and be familiar with the Family and Medical Leave (FMLA) Policy in Appendix R.**

### **EXTENDED PARENTAL LEAVE**

Non-union employees who are eligible for leave under the Family and Medical Leave Act and have been employed with the Town for at least one year are eligible to take additional leave beyond the 12 week FMLA period after the birth or adoption of a child. The Town will allow an additional 8 weeks of leave, for a total of 20 weeks of leave.

Extended parental leave may commence up to two weeks before the expected time of delivery and end six months after the child's birth. Leave may be taken continuously or on an intermittent basis. If leave is taken intermittently, approval is based on the operational needs of the Department and the employee is expected to work with their supervisor to establish a schedule in advance.

**When leave is taken for the birth or adoption of child, an employee is not required to use their accrued leave time.** An employee will continue to accrue additional leave time during the 12 weeks of FMLA protected leave. If an employee chooses to take unpaid leave after the initial 12 weeks of FMLA, they will not accrue additional leave benefits in accordance with the Earned Time Policy or applicable Collective Bargaining Agreement.

### **SMALL NECESSITIES LEAVE ACT ("SNLA")**

Under Massachusetts law, employees who are eligible for FMLA leave are also entitled to an additional 24 hours of unpaid leave under the Small Necessities Leave Act ("SNLA") leave. SNLA leave may be taken within a calendar year, for the following reasons:

- 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
- To accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations

- To accompany an elderly relative of the employee to routine medical or dental appointments and for other professional services related to the elder's care, such as interviewing at nursing or group homes. An elderly relative is defined as one who is 60 years of age, or older, and related by blood or marriage ("marriage" refers only to legal marriages, and divorce nullifies the relative- by- marriage status).

Employees are required to use any available paid time off (i.e., personal, sick, vacation, earned time) while out on SNLA leave. If you have no paid time off available, the SNLA leave time will be unpaid.

Employees requesting to take SNLA leave are required to submit a request in writing to their department head for approval. If the leave is foreseeable, the request must be submitted not less than seven (7) days prior to the beginning of the leave. If the leave is not foreseeable, employees must provide such notice as practicable.

Requests for leave must be supported by documentation verifying the need to take the leave. Such documentation could include, but is not limited to, a doctor's note, an appointment card, a teacher's note, or a receipt for services rendered. Supporting documentation must be submitted to their department head, either prior to, or immediately upon return from SNLA leave. Failure to provide such documentation will result in the time off being counted as an unexcused absence, subject to disciplinary action.

If you have any questions concerning eligibility or requirements under the SNLA, please contact the Human Resources Department.

### **EMPLOYMENT LEAVE TO ADDRESS AN ABUSIVE SITUATION**

In accordance with [Massachusetts General Law Chapter 149, Section 52E](#), the Town of Franklin will provide a leave of absence to an employee who is, or whose family member is, a victim of abusive behavior, including domestic violence. An eligible employee may take up to fifteen (15) days of unpaid leave from work in any 12 month period. Such leave may be considered after all other accrued leave time has been used.

The leave may be taken if the employee or a family member of the employee is a victim of abusive behavior and the employee is using leave from work to:

- Obtain medical attention, counseling, victim or legal services
- Secure housing
- Obtain a protective order from a court
- Appear in court or before a grand jury
- Meet with a district attorney or other law enforcement official
- Attend child custody proceedings
- Address other issues related to the abusive behavior against the employee or family member of the employee

In order to be eligible for leave under this policy, the employee must not be the perpetrator of the abusive behavior against such employee's family member.

For leave to be approved, the employee must provide documentation. This requirement will be satisfied with any of the following:

- Protective order, order of equitable relief or other documentation issued by a court
- A document under the letterhead of the court, provider, or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or employee's family member
- A police report or statement of a victim or witness provided to the police documenting the abusive behavior
- Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to be found guilty, or been convicted, or adjudicated a juvenile delinquent by reason of any offense constituting abusive behavior
- Medical documentation of treatment as a result of the abusive behavior
- A sworn statement, signed under the pains and penalties of perjury provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other similar professional who has assisted the employee with addressing the effects of the abusive behavior
- A sworn statement, signed under the pains and penalties of perjury provided by the employee attesting that the employee has been a victim of or is a family member of a victim of abusive behavior

Any information related to the employee's leave shall be kept confidential and shall not be disclosed except to the extent that the disclosure is:

- Requested or consented to, in writing, by the employee
- Ordered to be released by a court of competent jurisdiction
- Otherwise required by applicable federal or state law
- Required in the course of an investigation authorized by law enforcement, including but not limited to, an investigation by the Attorney General
- Necessary to protect the safety of the employee or others employed at the workplace

If the employee requires leave beyond the stated fifteen (15) days, they may make a request to the Town Administrator.

The Town shall not coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided herein or to make leave requested or taken contingent upon whether or not the victim maintains contact with the alleged abuser.

The Town shall not discharge or in any other manner discriminate against an employee for exercising the employee's rights under law. The taking of leave shall not result in the loss of any employment benefit accrued prior to the date of such leave. Upon the employee's return from

such leave, they shall be entitled to restoration to the employee's original job or to an equivalent position.

## **APPENDICES**



## **APPENDIX A:** **HARASSMENT AND SEXUAL HARASSMENT POLICY**

### **I. Introduction**

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

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

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

### **II. Policy**

#### **A. Harassment and Sexual Harassment Prohibited**

Employees are protected from harassment on the basis of their race, color, religion, national origin, ancestry, sex, gender identity, age, pregnancy and pregnancy-related conditions, handicap (disability), sexual orientation, genetics, active military or veteran status, and participation in discrimination complaint-related activities (retaliation). Harassment is prohibited by state and/or federal law, and will not be tolerated by the Town of Franklin.

All Town employees are responsible for ensuring that the workplace is free from all forms of harassment. This policy applies to all employees and officers of the Town. Supervisory and managerial employees must not condone acts of harassment by their subordinate employees, by other Town employees, by regular visitors to Town offices, or by employees of our vendors and contractors. Retaliation against persons complaining about harassment or sexual harassment is also unlawful and is prohibited by this policy.

#### **B. Harassment Defined**

Harassment in General. Harassment is unwelcome verbal or physical conduct, directed at an individual based upon their race, color, religion, national origin, ancestry, sex, gender identity, age, pregnancy and pregnancy-related conditions, handicap (disability), sexual orientation, genetics, active military or veteran status, or participation in discrimination complaint-related activities (retaliation), which disrupts or interferes with another's work performance, or which creates an intimidating, offensive, or hostile environment.

Examples of Harassment. Prohibited behavior includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group.

Sexual Harassment. In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal, or physical conduct of a sexual nature when:

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

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually orientated conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment.

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

- Unwelcome sexual advances – whether they involve physical touching or not
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess
- Displaying sexually suggestive objects, pictures, cartoons
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments
- Inquiries into one's sexual experiences
- Discussion of one's sexual activities

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

### **III. Persons Covered**

This policy prohibits harassment of all employees, including non-supervisory, supervisory, management and executive personnel, all applicants for employment, and citizens or customers.

### **IV. Procedure**

#### **A. Complaint**

If an employee believes that they have been subjected to harassment, the employee has the right to file a complaint with the Town. This may be done in writing or orally.

An employee who believes that they have been subjected to harassment prohibited by this policy has a responsibility to report the harassment as soon as possible to their supervisor, manager, or department head.

Any supervisor, manager or other employee who becomes aware of harassment prohibited by this policy must report it immediately to one of the Harassment Grievance Officers.

If the employee does not feel comfortable reporting the complaint to their management they should contact one of the following Harassment Officers:

Karen Bratt - Director of Human Resources - 508-553-4839

Alecia Alleyne – Assistant to the Town Administrator – 508-553-4886

The Harassment Officers are available to discuss any concerns and employee may have and provide information about the policy on harassment and the complaint process.

If there are other compelling reasons which prevent bringing the problem to the attention of the line management or Harassment Officers, then the employee may report the harassment to Jamie Hellen, Town Administrator.

#### **B. Investigation**

All complaints of harassment will be investigated promptly and impartially by the Harassment Officer or by another qualified individual selected by the Town.

The investigation will include a private interview with the person filing the complaint and with witnesses. The individual conducting the investigation will also interview the person alleged to have committed sexual harassment.

An individual conducting an investigation into a complaint of harassment will keep information as confidential as possible, and disseminate it on a “need to know” basis only. Others involved in the investigation in any capacity must also respect the privacy of those involved by keeping information learned during the course of the investigation confidential.

As soon as practicable after the completion of the investigation, the official responsible for conducting the investigation will, to the extent appropriate, advise the employee who

brought the harassment complaint and the employee accused of harassment of the results of the investigation.

If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where it is appropriate, will also impose disciplinary action.

If either employee is dissatisfied with the handling or result of the investigation, the employee should bring the matter immediately to the Town Administrator, preferably in writing, stating the reasons for that dissatisfaction.

### **C. Disciplinary Action**

Anyone who is found, after the investigation, to have engaged in harassment prohibited by this policy will be subject to appropriate disciplinary action from counseling up to and including discharge from employment. This policy shall not limit the authority of the Town to take disciplinary action against an employee who engages in inappropriate conduct, regardless of whether it satisfies the definition of harassment or sexual harassment under this policy.

Employees covered by a collective bargaining agreement who are charged with sexual harassment and who are subject to disciplinary action are entitled to representation by their respective union.

### **D. False Accusations**

False accusations of harassment (i.e. the alleging of incidents or behavior that are proven, through investigation, not to have occurred at all) may result in severe disciplinary action up to and including termination. A finding that either harassment did not occur or that there is insufficient evidence, does not necessarily, in itself, establish that an accusation was false.

### **E. Retaliation Prohibited**

No one who brings a harassment complaint in good faith will be subject to any adverse employment action for doing so, regardless of whether the complaint is ultimately determined to have merit. Any employee, including supervisors and managers, who retaliates against an employee for making a complaint of harassment will be subject to disciplinary action, which may include termination of employment. Retaliation should be reported to management using the procedure set forth in this policy for complaints of harassment.

### **V. State and Federal Remedies**

In addition to the above, if you believe you have been subjected to harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident

**United States Equal Employment Opportunity Commission (“EEOC”)**

[www.eeoc.gov](http://www.eeoc.gov)

Boston Area Office  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203

Phone: 1-800-669-4000

Fax: 617-565-3196

**Massachusetts Commission Against Discrimination (“MCAD”)**

[www.mass.gov/mcad](http://www.mass.gov/mcad)

1 Ashburton Place, Suite 601  
Boston, MA 02108

Phone: 617-994-6000

Fax: 617-994-6024

E-mail: [assistanttochairman@state.ma.us](mailto:assistanttochairman@state.ma.us)

## **APPENDIX B:**

### **ADA REASONABLE ACCOMODATION POLICY**

#### **I. Introduction**

The Town of Franklin does not discriminate against applicants and individuals with disabilities and, when needed, provides reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential functions of the position.

It is the Town of Franklin's policy to comply with all federal and state laws, including regulations and guidance concerning the employment of persons with disabilities. Further, it is our policy not to discriminate against qualified individuals with disabilities in regard to terms and conditions of employment, including, but not limited to, application procedures, hiring, promotion, discharge, compensation, training or other terms, conditions and privileges of employment.

Beyond its legal obligations, the Town of Franklin is committed to providing reasonable accommodations that will allow its employees with disabilities to contribute at the highest levels.

The Director of Human Resources is responsible for implementing this policy

#### **II. Policy**

##### **A. Applicants**

When a qualified applicant with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, they will be given the same consideration for employment as any other applicant.

##### **B. Employees**

The Town of Franklin will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the Town of Franklin.

#### **III. Procedure**

##### **A. Requesting Accommodation**

Employees or applicants with disabilities may request reasonable accommodations, regardless of title, salary or employment status. This request should be made by the employee in writing to their supervisor or to the Director of Human Resources.

The reasonable accommodation does not have to be requested at the beginning of employment. However, a reasonable accommodation request will not cancel out any prior performance improvement or disciplinary actions.

Once an employee makes a reasonable accommodation request, both the Town and the employee are required to participate in what is known as the "Interactive Process", which is an informal,

interactive process designed to identify the precise limitations arising from the disability and potential reasonable accommodation that could overcome those limitations, if any.

## **B. Interactive Process**

When an employee who is a qualified individual with a disability has requested an accommodation, the Town of Franklin and the employee will participate in the following interactive process:

- Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
- Determine the precise job-related limitation.
- Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
- Select and implement the accommodation that is the most appropriate for both the individual and the employer.
- While an individual's preference will be given consideration, the Town is free to choose among effective accommodations and may choose one that is less expensive or easier to provide.
- A request for medical documentation and/or information may be made for further review.
- The Town will provide a decision to the employee within a reasonable amount of time, based on the circumstances.
- If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the Town, the employee and the Town of Franklin will work together to determine whether reassignment may be an appropriate accommodation. The Town will review undue hardships by considering the impact of the accommodation on the nature or operation of the Town and will provide a decision to the employee.

It is required that the employee engage in the interactive process with the Town of Franklin so that determinations may be made. A refusal to engage in the interactive process may result in the inability of the employer to render a determination and a denial of the request.

## **C. Medical Documentation and Confidentiality**

If the disability is not obvious and there is no other medical information already on record for the employee, the Town of Franklin may require the employee to provide documentation from a physician or other medical professional concerning the existence and extent of the disability.

An employee whose medical information is requested will have 15 calendar days to return the medical information to the Director of Human Resources.

The employee's medical information will be maintained in a separate confidential file. Any information regarding the employee's condition will only be made available on a need to know basis.

#### **D. Accommodation Determination**

After meeting with the employee and reviewing medical documentation, the Director of Human Resources will determine whether the employee's request for a reasonable accommodation is granted or denied and, if granted, will develop a reasonable accommodation plan for the employee.

A reasonable accommodation plan will:

- Outline the employee's essential job functions needing accommodation.
- Recommend types of reasonable accommodation.
- Identify a plan for implementation.

#### **IV. Types of Reasonable Accommodation**

Accommodation will be determined on a case by case basis. The Director of Human Resources will work closely with the employee and supervisor to find reasonable accommodations that are effective.

The employee's preference of accommodation will be considered. However, if an employee is determined to be qualified for a reasonable accommodation, the Town of Franklin has the right to select among the alternatives available, as long as they are effective.

Examples:

- Some accommodations cost little or no money. Changes may include support from the supervisor, additional time to complete assignments or small changes in worksite setup.
- Some accommodations are technologically simple and easily achieved in most offices. Examples: accessible door handle, magnifier, additional lighting.
- Accommodations requiring advanced or sophisticated devices may take more time and expense to achieve. Examples: screen reading software, CCTV, speech synthesizer.

Within 90 days after the accommodation has been provided, the Director of Human Resources will assess the effectiveness of the accommodation in enabling the employee to perform the essential functions of the job. Additional accommodations or changes to the existing accommodations may be considered.

#### **V. Complaint Procedures**

Any individual who believes that they may have been subjected to harassment, discrimination or retaliation on the basis of a disability, including the making of a reasonable accommodation request or denial of such request, may file a complaint pursuant to the Town of Franklin's ["Harassment and Sexual Harassment Policy" found in Appendix A.](#)

#### **VI. Terms Used in This Policy**

As used in this policy, the following terms have the indicated meaning:

Disability: For purposes of determining reasonable accommodation, a person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities of the individual.



Essential Functions: The fundamental job duties of the position that the individual with a disability holds or desires to hold.

Interactive Process: An informal, interactive process designed to identify the precise limitations arising from the disability and potential reasonable accommodations that could overcome these limitations, if any.

Major life activities: Include such things as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

Major bodily functions: Term includes physical or mental impairments such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.

Substantially limiting: In accordance with state and federal law, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of a disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer, that is in remission but that may possibly return in a substantially limiting form, is also considered a disability.

Direct threat: A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.

Qualified individual: An individual who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires.

Reasonable accommodation: Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

- The nature and cost of the accommodation.

- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
- The overall financial resources of the employer; the size, number, type and location of facilities.
- The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.

Essential functions of the job: Term refers to those activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by this policy.

## **APPENDIX C: PREGNANCY AND PREGNANCY-RELATED CONDITIONS POLICY**

### **I. Introduction**

The Town of Franklin does not discriminate on the basis of pregnancy and pregnancy-related conditions.

### **II. Application of the Pregnant Workers Fairness Act (“the Act”)**

The Town of Franklin will:

1. Upon request for an accommodation, communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an "interactive process," and it will be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the Town.
2. Accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. "Undue hardship" means that providing the accommodation would cause the Town of Franklin significant difficulty or expense.
3. Will not require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the Town.
4. Will not refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
5. Will not deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
6. Will not require medical documentation about the need for an accommodation if the accommodation requested is for:
  - (i) more frequent restroom, food or water breaks
  - (ii) seating
  - (iii) limits on lifting no more than 20 pounds
  - (iv) private, non-bathroom space for expressing breast milk

The Town of Franklin may, however, request medical documentation for other accommodations.

### **III. Complaints of Pregnancy and/or Pregnancy-Related Discrimination**

If you believe that you, as an employee, have been subjected to pregnancy and/or pregnancy-related discrimination, you have the right to file a complaint with the Town of Franklin. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting:

Karen Bratt - Director of Human Resources - 508-553-4839

Alecia Alleyne – Assistant to the Town Administrator – 508-553-4886

Karen and Alecia are also available to discuss any concerns you may have and to provide information to you about our policy and our complaint process.

### **IV. Investigation**

When the Town of Franklin receives the complaint, it will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. When the investigation is completed, the Town of Franklin, to the extent appropriate, will inform the person filing the complaint the results of the investigation.

If it is determined that inappropriate conduct has occurred, the Town of Franklin will act promptly to correct the condition.

### **V. Disciplinary Action**

If it is determined that inappropriate conduct has been committed by an employee, the Town of Franklin will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment and may include such other forms of disciplinary action as it deems appropriate under the circumstances.

### **VI. State and Federal Remedies**

In addition to the above, if you believe you have been subjected to harassment, you may file a formal complaint with either or both of the government agencies set forth below.

Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

#### **United States Equal Employment Opportunity Commission (“EEOC”)**

[www.eeoc.gov](http://www.eeoc.gov)

Boston Area Office  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203

Phone: 1-800-669-4000

Fax: 617-565-3196

**Massachusetts Commission Against Discrimination (“MCAD”)**  
**[www.mass.gov/mcad](http://www.mass.gov/mcad)**

1 Ashburton Place, Suite 601  
Boston, MA 02108

Phone: 617-994-6000

Fax: 617-994-6024

E-mail: [assistanttochairman@state.ma.us](mailto:assistanttochairman@state.ma.us)

## **APPENDIX D: SUMMARY OF THE CONFLICT OF INTEREST LAW FOR MUNICIPAL EMPLOYEES**

This summary of the conflict of interest law, General Laws Chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal Counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

### **I. Are you a municipal employee for conflict of interest law purposes?**

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts. Town meeting members and charter commission members are not municipal employees under the conflict of interest law.

### **II. On-the-job restrictions.**

*(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)*

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

*(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)*

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

**Example of violation:** A town administrator accepts reduced rental payments from developers.

**Example of violation:** A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

**Regulatory exemptions.** There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

**Example where there is no violation:** A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

**Example where there is no violation:** A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

*(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)*

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal

employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

**Example of violation :** A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

**Example of violation :** A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

**Example of violation :** A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

*(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)*

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

**Example of violation :** A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

**Example of violation :** A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

**Example :** A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.



In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

***Example where there is no violation*** : An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

**Regulatory exemptions.** In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

***Example where there is no violation:*** A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in

determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

*(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)*

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

**Example of violation :** A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

*(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))*

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

**Example where there is no violation:** A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

*(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))*

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

### **III. After-hours restrictions.**

*(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))*

*A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.*

**Example:** A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

*(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)*

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

**Example of violation:** A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

**Example of violation:** A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours

during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

**Example:** A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

**Example :** A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

*(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)*

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

**Example of violation :** Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

**Example of violation :** A selectman buys a surplus truck from the town DPW.

**Example of violation :** A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

**Example of violation :** A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

#### **IV. After you leave municipal employment. (See Section 18)**

*(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.*

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

**Example of violation:** A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

*(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.*

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

**Example:** An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

*(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.*

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than

the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

**Example:** While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

**Example:** A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. [The State Ethics Commission website](#) contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via website, by telephone, or by letter.

Version 7: Revised November 14, 2016

**Please sign for receipt of the “Summary of the Conflict of Interest Law for Municipal Employees” [at the end of this document.](#)**

## **APPENDIX E: PUBLIC RECORDS POLICY**

The Massachusetts Public Records Law (Public Records Law) and its regulations provide that each person has a right of access to public information. This right of access includes the right to inspect, copy or have copies of records. The Public Records Law broadly define “public records” to include “all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee” of any Massachusetts governmental entity. This includes emails sent and received from a Town e-mail account. There are strictly and narrowly construed exemptions and common law privileges to the broad definition of “public records.”

### **I. Public Records Access Officers**

The Public Records Access Officers for the Town of Franklin are the Town Administrator and/or their designee. The Public Records Access Officers for the Town of Franklin School Department are the Superintendent of Schools and/or the Assistant Superintendent of Schools.

### **II. Procedure**

Requests for public records may be made orally in person or in writing via letter or e-mail to any one of the Public Records Access Officers. Public records requests will not be accepted by telephone. Town related inquiries should be directed to the Town’s Records Access Officers. School related inquiries should be directed to the Public School District Access Officers.

### **III. Good Faith Customer Service**

In an effort to provide expeditious customer service, simple and reasonable records requests may be accessible at the department level upon request. If a Town Department receives a records request, the respective department shall make an effort to fulfill the request if it’s simple, reasonable and can be easily produced by the department as part of regular business workflow. If the request requires more than one-half hour of staff time to collect requested records the department shall notify the Records Access Officers of such request for direction.

### **IV. Policies**

The Public Records Access Officers shall determine if there are any fees associated with a request.

The Town Attorney will track and record all public record requests for any mandatory reporting purposes for town department requests. The Superintendent’s Office will track and record all public record requests for any mandatory reporting purposes for school department requests.

All town and school staff should be familiar with the exemptions to the definition of “public records” contained in the Public Records Law.

### **V. Records Retention**

The Town of Franklin and the School Department shall follow the Secretary of State’s Municipal Records Retention Manual for guidelines to minimize records storage costs to the Town.

## **APPENDIX F: TOBACCO AND NICOTINE POLICY**

The Town of Franklin does not allow the use of any tobacco product or nicotine delivery system (e-cigarettes, vape) within any municipal building or upon the property on which any municipal building is located.

In accordance with [Massachusetts General Law, Chapter 270, Section 22](#), smoking is not allowed in a public building or in a Municipal Vehicle.



## **APPENDIX G: ALCOHOL AND DRUG POLICY**

Employees of the Town of Franklin are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent it in a responsible and creditable fashion.

While the Town of Franklin has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in condition to perform their duties. The Town recognizes that employee off-the-job, as well as on-the job, involvement with drugs and alcohol, including marijuana, can have an impact on the workplace and on our ability to accomplish our goal of an alcohol and drug-free environment.

The illegal use, sale or possession of narcotics, drugs, or controlled substances, while on the job or on Town property, is an offense warranting discharge. Any illegal substances will be turned over to the appropriate law enforcement agency.

Off the job illegal drug activity could also serve as a basis for disciplinary action up to and including termination of employment. In deciding what action take, management will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the Town and other factors relative to the impact of the employee's activity upon the conduct of Town business.

Employees who are under the influence of alcohol or drugs, including marijuana, either on the job or when reporting for work or who possess or consume alcohol or drugs during work hours, have the potential for interfering with their own, as well as their co-workers' safe and efficient job performance. Consistent with existing Town of Franklin practices, such conditions may be proper cause for disciplinary action up to and including termination of employment.

Employee 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.

This statement sets forth the Town of Franklin's drug and alcohol policy and is intended to provide for prompt, effective reaction to any alcohol or drug related situation which has, or could have, an impact on Town operations. It does not alter in any way the policy of assisting employees in securing proper treatment for problem drinking, alcoholism, or other drug dependencies. The Town encourages employees to notify or request assistance from the Town regarding an alcohol or drug problem. The Town will take the voluntary notification into account when determining what, if any, personnel action to take in the matter.

## **APPENDIX H: WORKPLACE VIOLENCE POLICY**

### **I. Introduction**

The purpose of this policy is to establish a Town standard that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; to reduce the potential for violence in and around the workplace; to mitigate the negative consequences for employees who experience or encounter violence in their work lives; and to ensure that appropriate resources are available to employees who may be victims of workplace violence, or who may be perpetrators of workplace violence.

All employees are subject to the provisions of this policy. Members of the Police Department may be subject to additional policies, rules or regulations promulgated by the Chief of Police.

### **II. Policy**

It is the policy of the Town of Franklin to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. All reported incidents will be taken seriously, and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

- A. Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution; employees may also be subject to disciplinary action, up to and including termination from town service.
- B. The Town needs the cooperation of all employees to implement this policy effectively and to maintain a safe working environment. Employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior.

Employees who observe or experience such behavior by anyone on Town property should report the incident immediately to a supervisor or department manager, whether or not the alleged offender is a Town employee. Supervisors and department managers who receive such reports should contact the Town Administrator or their designee or the Director of Human Resources for response. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department via 911.

- C. The Town of Franklin is committed to providing a safe environment for working and conducting business, in so far as is reasonably possible given available resources. The Town will not tolerate acts of violence committed by or against Town employees or

members of the public on Town property, or during the performance of Town business, regardless of location.

- D. For the purposes of this policy, the word violence shall mean an act or behavior that:
- is physically injurious or abusive
  - a reasonable person would perceive as obsessively directed (e.g. an intensely focused grudge, grievance, or romantic interest in another person) and reasonably likely to result in harm or threats of harm to persons or property
  - consists of a communicated or reasonably perceived threat to harm another individual or in any other way endanger the safety of the individual
  - would be interpreted by a reasonable person as carrying potential for physical and/or psychological harm to the individual
  - is a behavior or action that a reasonable person would perceive as menacing
  - involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening
  - consists of a communicated or reasonably perceived threat to destroy property
- E. Violent actions on Town property or facilities, or while on Town business, will not be tolerated or ignored. Any unlawful violent or non-violent actions committed by employees, or members of the public on Town property, or while using Town facilities, will be subject to prosecution, as appropriate. The Town intends to use all reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.
- F. Possession or use by employees of firearms or other items which may be considered dangerous and/or are designed to cause death or serious bodily injury are prohibited on Town property, in Town vehicles, or in any personal vehicle which is used for Town business, or during business hours, except for those employees who are engaged in official military or law enforcement activities. Possession or use of a firearm in such circumstances is prohibited whether or not the employee is licensed to carry a firearm, or has a Firearm Identification Card (FID). Use of other objects by employees, such as, but not limited to, pocketknives, razors, hammers, etc., in a dangerous or potentially dangerous manner is also prohibited.

### **III. Procedures**

All reports of violence will be evaluated immediately, and appropriate action will be taken, where possible, in order to help protect the employee(s) from further violence. Appropriate disciplinary action will be taken when it is determined that Town of Franklin employees have committed threats or acts of violence in violation of this policy.

- A. The Town Administrator or their designee shall be responsible for: responding promptly and appropriately to any act of violence in the workplace; ensuring accountability among employees for acts of violence committed in the workplace; ensuring the effective investigation of violence occurring in the workplace; imposing or recommending disciplinary action for employees who are perpetrators of threats or acts of violence when

the behavior involves the use of Town work time or property; communicating this policy and program to department managers, supervisors, employees, boards and committees; providing referral, guidance, and support to employees who are victims of workplace violence; providing managers and supervisors with guidance, direction and support in matters of intervention and response to workplace violence issues; and providing training for managers and supervisors relating to workplace violence issues.

- B. The Town's [Employee Assistance Program \(EAP\)](#), [All One Health](#), will respond to confidential calls of witnessed reports of threats, threatening behavior or acts of violence in the workplace; provide emotional support, short-term counseling; assist victims with developing a personal safety plan in the event of violence at work; provide training for department managers and supervisors; and refer victims or perpetrators of workplace violence to available resources.
- C. Department managers and supervisors are responsible for: receiving reports of incidents of workplace violence; assessing situations; making judgments as to appropriate responses; responding to reports of workplace violence; and initiating the investigation process.

#### **IV. Incident Response Plan**

##### **A. When the Incident Occurs**

1. If a department manager or employee believes that an individual's physical well-being is threatened, and the situation is of an emergency nature, they should call 911.
2. If the incident does not rise to the level of emergency, the employee should contact their immediate supervisor/department manager. If the supervisor/department manager believes that a crime may have been committed, they should contact the police department.
3. In instances that involve emergency response or potential criminal activity, the Town Administrator/designee will contact the police department for assessment, and, if necessary, investigation. The designee of the Chief of Police will coordinate investigation and emergency response. The Town Administrator will oversee the Town's administrative response to the incident.

In instances that do not involve emergency response, the Town Administrator/designee will coordinate an internal administrative investigation, or refer the matter to the Police Department for investigation.

##### **B. Investigation**

Workplace incidents involving emergency and/or criminal activity will be referred to the police department for investigation. An administrative investigation may be conducted by the Town Administrator/designee concurrent with any criminal investigation, in cooperation with the police department.

The Town Administrator or their designee will investigate workplace incidents that do not involve an emergency situation and/or criminal activity. The Town Administrator/designee will conduct administrative investigations in a confidential manner, and conduct interviews with all involved parties and witnesses.

**C. Discipline**

Any employee who is found to be the initiator of violence in the workplace shall be subject to disciplinary action, up to and including termination from Town service. Any disciplinary action will be taken in accordance with the relevant collective bargaining agreement, where applicable.

**V. Intervention**

Individuals who are victims of workplace violence are encouraged to contact their department manager and/or the Town Administrator or the Director of Human Resources for response, action, and guidance. Individuals who are victims of domestic violence are encouraged to contact their local police department or domestic abuse hotline where the incident occurred for referral, support, and assistance. They may also contact the EAP for referral, support and assistance.

Individuals who are victims of domestic violence may be eligible for [employment leave to address an abusive situation](#).

Managers and supervisors are encouraged to refer employees with attendance, behavior, performance or discipline problems to Human Resources Director and/or to the [Employee Assistance Program](#) for referral, support and assistance.

The Human Resources Director and the EAP will work with at-risk employees and their department heads to develop safety plans that address the specific risks the employees face while at work.

## **APPENDIX I: PROPER PUBLIC SPENDING POLICY**

### **I. The following shall be prohibited spending activities of all public resources, including staff time:**

- A. Anti-aid: any money, property or public resources to individuals or private organizations
- B. All alcohol, tobacco and electronic cigarettes products
- C. Gifts or gratuities to persons or organizations
- D. Lobbying or influencing elections or ballot questions
- E. Floral arrangements, sympathy cards or other incidentals related to social relationships with private or public persons or organizations
- F. Retirement parties
- G. Solicitations of monies or property or using resources to pay for materials to solicit funds in any way

### **II. The following shall be allowed spending activities of public resources and shall always have a distinct benefit to the town and its ability to execute its powers and duties:**

- A. Regular wages and benefits
- B. Merit awards for employees *only* if the award is to encourage continuity of public service, enhance efficiencies or promote productive performance (e.g. retirement plaques, promotional awards, recognition awards)
- C. Advancing public and private interests, *only* if the dominant motive is to advance a public purpose or interest
- D. Alcohol and tobacco products *only* for the purpose of compliance testing (e.g. Police Department and Board of Health functions)
- E. Reimbursement for public employees and officials for expenses relating to attendance at testimonial dinners, retirement functions or other such non-department sponsored events if it relates to the officials' public duties (e.g. retirement party, award ceremony, guest speaker)
- F. Refreshments: Spending on refreshments may *only* be authorized for functions that serve a public purpose and served *only* to public employees, officials or persons conducting official business with professional staff for the following: all day trainings, meetings, seminars, or other official business where the refreshments are to assist in keeping the audience alert and engaged
- G. Travel: expenses for authorized travel for employees on official public duties.
  - 1. Travel inside the New England region (Massachusetts, Connecticut, Rhode Island, Vermont, Maine and New Hampshire) shall be differentiated from travel outside the New England region.
    - a. Travel inside the New England region shall not require approval from the Town Administrator. Travel outside of the New England region shall require prior approval of the Town Administrator.
  - 2. Expenses for all travel shall not exceed the following targeted amounts for expenditures, unless an employee receives prior approval from the Town Administrator:
    - a. \$60/day for all daily meals (with the expectation that gratuities do not exceed 18%)

- b.\$250/day for hotel, per day
  - c.\$500 for round trip airfare
  - d.\$500 for event fee or registration fee
  - e.Three (3) consecutive business days in length of travel
3. This policy does not impact personal financing of travel or travel paid for by an outside entity where the purpose is for professional development or relates to an officials' public duties (e.g. guest speaker, award ceremony, invitation-only conference).
  4. Itemized bills are required for any travel reimbursement. Expenses outside of the parameters for professional business will not be reimbursed (e.g. alcohol, entertainment, souvenirs).

## **APPENDIX J: FRAUD POLICY AND RESPONSE PLAN**

The Town of Franklin is committed to complying with and requires its employees (which includes officers, board, committee, and commission members and other persons acting on its behalf) to comply with all applicable Town policies, state and federal laws and regulations and internal accounting controls. The Town of Franklin will investigate any report of fraudulent acts or related misuse of Town resources or property. Any individual found to have engaged in fraudulent acts or related misconduct, as defined in this policy, is subject to disciplinary action by the Town, which may include dismissal as well as prosecution by appropriate law enforcement authorities.

### **I. Definition of Fraud**

Fraud and related misconduct prohibited by this policy consists of an employee's willful or deliberate act or failure to act with the intention of obtaining an unauthorized benefit or assisting another person to do so.

Fraud includes an intentional false representation of a matter of fact, whether by words or by conduct, by false or misleading statements, or by concealment of that which should have been disclosed, which deceives and is intended to deceive.

#### **The following are examples of activities that may be considered fraud:**

- Making or altering documents or computer files with the intent to deceive
- Purposely inaccurate financial reporting
- Improper handling or reporting of money transactions
- Misappropriation or misuse of Town assets or resources for personal gain or for the advantage of another
- Unauthorized use of Town assets or resources for personal gain or for the advantage of another
- Altering or incorrectly reporting information for personal gain or for the advantage of another or the Town
- Authorizing or receiving remuneration for time not worked
- Authorizing or receiving compensation for goods not received or services not performed
- The foregoing list is illustrative, only, and not intended to be comprehensive.

### **II. Responsibilities**

The Town has a responsibility to investigate and report to appropriate governmental authorities, as required, any violations of State and Federal statutes and regulations, violations of compliance with Town bylaws, regulations or policies including internal accounting controls and questionable accounting matters.

The Town Administration is responsible for establishing and maintaining policies and controls that provide security and accountability for the resources entrusted to them. Internal controls are intended to aid in preventing and detecting instances of fraud and related misconduct. Administration is also expected to recognize risks and exposures inherent in their area of



responsibility and be aware of indications of fraud or related misconduct. Responses to such allegations or indicators should be consistent.

Every employee has the responsibility to assist the Town in complying with policies and legal and regulatory requirements, and in reporting known violations. It is the policy of the Town to encourage the support and cooperation of all employees in meeting the Town's commitment and responsibility to such compliance.

### **III. Reporting Suspicion of Fraud**

Employees should report suspected instances of fraud or irregularity to their immediate supervisor or their next appropriate management level. However, in certain circumstances, it may be appropriate for employees to report suspected instances of fraud or irregularity directly to the Town Administrator (i.e. if the alleged fraud has been committed by the Employee's supervisor). It is the responsibility of a supervisor or relevant manager to ensure that the suspicion of fraud and/or irregularity that is reported to them is reported as soon as practical to the Town Administrator. The written or verbal report should be sufficiently detailed and inclusive to ensure a clear understanding of the issues raised. In the event that the Town Administrator is the subject of, or otherwise identified as involved in the acts underlying such report, the person making the report may notify and forward such report to the Chairperson of the Town Council who will then be responsible for the investigation.

Town employees are not to initiate investigations on their own. However, anyone may report suspected violations or concerns by letter to the Town Administrator and should indicate that they are an employee of the Town. The report should be sufficiently detailed and inclusive to ensure a clear understanding of the issues raised. Mark the envelope "Confidential and Private". It is the policy of the Town that anyone who reports a violation may make such report confidentially.

There shall be no retaliation by the Town or its employees against any employee who, in good faith, makes a report pursuant to this policy even if after investigation the Town Administrator determines that there has not been a violation of any applicable Town policy, State or Federal laws and regulations or internal accounting controls. However, employees who make reports or provide evidence which they know to be false or, without a reasonable belief in the truth and accuracy of such information, may be subject to disciplinary action.

### **IV. Investigation**

Following receipt of a report, the Town Administrator shall commence an investigation, as they deem appropriate. The Town Administrator shall be authorized to retain such other individuals, including outside legal and accounting experts, as they deem appropriate to assist in such investigation.

All participants and all persons questioned in a fraud investigation shall keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy.

The Town Administrator and Finance Director and other appropriate personnel, will constitute the “Investigation Team” and will determine the necessary action depending upon the nature of the allegations or suspicions. The individual being investigated shall be notified immediately of said investigation and shall cooperate fully therewith. They shall have the right to an attorney and/or union representative, as applicable, during all stages of the investigation. Law Enforcement agencies may be notified and may participate in the investigation. In those instances where the investigation indicates the probability of criminal activity, the information may be transmitted to the appropriate law enforcement agency, but this will not derogate from the Town’s right to proceed with its investigation and to take any responsive action it deems necessary.

In an investigation, objectives include verifying the facts, maintaining objectivity and confidentiality, determining responsibility and recommending corrective action. Details of the initial response and/or investigation will remain confidential.

Any individual suspected of irregular and/or fraudulent activities should not be confronted prior to commencement of the investigation process. Records related to the activity may need to be seized before the suspected individual becomes aware of any investigation. All employees, suspected of irregularities and/or fraud, are to be treated fairly and consistently and in compliance with the collective bargaining agreements and personnel policies. Employees suspected of irregular and/or fraudulent activities have legal rights that must be respected.

If in the opinion of the Town Administrator fraud is probable, the Town Administrator may suspend employees suspected of such irregularities and/or fraud, pending investigation.

The Investigation Team shall make the final determination of whether a violation of the Town, State or Federal laws and regulations or internal accounting controls applicable to the Town has occurred. If a suspicion of fraud is substantiated, the Town may take disciplinary action up to and including dismissal and appropriate legal action.

## **V. Security of Evidence**

Once a suspected fraud is reported, immediate action to prevent the theft, alterations, or destruction of the relevant records and information shall be initiated by the Town Administrator. Such actions may include, but not be limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing fraud from having access to the records. The records shall be secured until the investigation is complete.

## **VI. Reporting Results:**

The Town Administrator will prepare a report of the results of any review of fraudulent or irregular activities. As applicable, it will contain details of the system weaknesses that did not prevent or detect the fraudulent or irregular activities and provide recommendations for improving system controls to prevent or detect similar events.

It is recognized that the investigating team may share information with senior management, the Town Attorney, and/or law enforcement agencies as deemed necessary. The Town Administrator will include a statistical summary of the fraud reports in the annual report.

## **APPENDIX K: WHISTLEBLOWER POLICY**

Employees of the Town of Franklin are hereby advised of their rights in accordance with [Massachusetts General Laws Chapter 149, Section 185](#), the Massachusetts “Whistleblower” statute.

It is the policy of the Town of Franklin to protect employees who have reported improper government actions. Neither the Town nor its employees shall retaliate against an employee because the employee does any of the following:

- Discloses or threatens to disclose an activity, policy or practice which the employee reasonably believes is a violation of the law, or which the employee believes poses a risk to public health, safety or the environment;
- Provides information or testifies before a public body conducting an investigation into any violation of the law or risk to public health, safety or environment;
- Objects to or refuses to participate in any activity which the employee reasonably believes is a violation of the law or which the employee reasonably believes poses a risk to public health, safety or the environment.

The employee must, by written notice, bring the activity, policy or practice in question to the attention of the persons designated by the Town to receive such notice unless (a) the employee is reasonably certain that the activity, policy, or practice is known to one or more supervisors and the situation is emergency in nature, or (b) the employee fears physical harm as a result.

In accordance with this law, the Town has designated the following persons to receive written notification pursuant to this law:

Town Administrator or their designee  
Town Attorney  
Director of Human Resources

Employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action are not entitled to the protections provided under this policy or act. Employees who make false reports may be subject to disciplinary action. Employees who retaliate against a reporting employee are subject to disciplinary action.

Reporting employees aggrieved by a violation of this law may institute civil action in the Superior Court in accordance with M.G.L. Chapter 149, Section 185(d).

## **APPENDIX L: ELECTRONIC COMMUNICATIONS AND COMPUTER USE POLICY**

### **I. Policy**

This policy is intended to provide guidance on the appropriate use of the Town of Franklin's electronic communication and information equipment and systems ("systems"). Such systems include, but are not limited to: computer workstations, laptops, tablets (such as iPads), hardware and software, electronic mail ("e-mail"), telephones (including landlines and cellular phones/smart phones), fax machines, and the internet.

Use of the Town's systems by any employee, contractor, consultant, and/or volunteer ("user") shall constitute acceptance of the terms of this Policy and any such additional related policies that may be issued by the Town.

Access and use of the Town's systems is intended for business-related purposes, including communicating with coworkers and colleagues, and researching topics relevant to Town business. All existing state, federal, and local laws and Town policies apply to your conduct while using the Town's systems, particularly those that govern intellectual property protection, sexual or other harassment, misuse of Town resources, privacy rights, and confidentiality.

This Policy sets forth general guidelines and examples of prohibited uses of the Town's systems for illustrative purposes, but does not attempt to identify all required or prohibited activities by users. Questions regarding whether a particular activity or use is acceptable should be directed to the Technology Department, and/or your supervisor. These guidelines may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the Town's systems. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies of the Town of Franklin.

### **II. Privacy**

Users should not expect any right of privacy in said systems, including electronic communications and information made or stored on the Town's systems. The Town of Franklin retains the right to inspect its systems, including any Town-owned or leased computer or electronic communications equipment, any data contained in such equipment, and any data sent or received by that equipment. The Town will exercise that right when reasonable and in pursuit of legitimate needs for supervision, control, and the efficient and proper operation of the workplace. Users should be aware that appropriately-authorized network administrators may monitor network traffic, and/or access all files, including e-mail files and internet use history, stored on any equipment.

All electronic files and documents originating from or passing through the Town's systems are considered to be property of the Town.

### **III. Security**

All usernames and passwords are for the exclusive use of the individual to whom they are assigned. The user is personally responsible and accountable for all activities carried out under

their username, and should take all reasonable precautions to protect their password. The password associated with a particular username must not be given or divulged to another person. No one may use, or attempt to use, a username or password assigned to another person, or pose as another user.

#### **IV. Internet Guidelines**

While we increasingly use the internet as a tool in the workplace, misuse or abuse of the internet can result in wasted time, as well as potentially violate laws, bylaws, ordinances, regulations, or other Town policies. Therefore, users should adhere to the following internet guidelines.

- A. **Use for Official Business.** It is the Town's policy to restrict internet access to official Town business. User of the internet for personal matters is prohibited.
- B. **Authorization.** Authorization for internet access must be obtained through the systems administrator. Once authorization is approved, each user is responsible for the security of their account password and will be held responsible for all use or misuse of such account (see Section III, Security above).
- C. **Compliance with Laws.** Users must not utilize the internet to knowingly violate any state, federal or local law. United States copyright and patent laws may apply to information and material(s) accessed through the internet, and care should be taken not to violate the copyrights or patents of others on or through the use of the internet.
- D. **Viruses.** All appropriate precautions should be taken to detect viruses, including scanning all computer files (including attachments) that are downloaded and/or opened from the internet, before installation or execution of such files/attachments. Users should direct any questions regarding the proper use of virus detection software to the Technology Department prior to downloading and/or opening any computer files/attachments.
- E. **Town Monitoring.** As noted above, users should not have any expectation of privacy as to their computer or internet usage, including the receipt and sending of e-mail. It is possible for the Town to monitor internet usage histories and/or patterns, and the Town may inspect, without limitation, any portion of its systems, including files stored either on the computer hard drive or the Town's server, to the extent necessary to ensure compliance with this Policy or any other applicable, state, federal, or local law or Town policy.
- F. **Prohibited Practices.**
  - 1. Users shall not use Town computers knowingly to download or distribute pirated software or data. Any software or files downloaded via the internet may be used only in ways that are consistent with their licenses or copyrights. The downloading of games or other programs for amusement/entertainment purposes is strictly prohibited.

2. Users shall not make an unauthorized attempt to enter into another employee's computer (commonly referred to as "hacking").
3. All computer hardware and software shall at all times remain the property of the Town of Franklin, and may not be removed from their respective sites or downloaded onto personal computer equipment without the express written approval of the systems administrator. The installation or upgrade of computer software programs or computer hardware, without the express written approval of the systems administrator, is strictly prohibited.
4. Users must not utilize the internet to deliberately propagate any virus, worm, "Trojan horse," trap-door or back-door program code, or knowingly disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
5. Users shall not disclose confidential information or promote personal political beliefs, discrimination, sexual harassment, and any unlawful activity; nor shall the Town's systems be used for private financial gain, or commercial, advertising, or solicitation purposes.
6. Use of the Town's systems, including computers, to display any kind of image or document that is obscene, pornographic, sexually explicit or sexually suggestive, is prohibited. Additionally, these materials may not be archived, stored, distributed, edited, or recorded using Town network, printing, or computing resources.
7. Users shall not utilize the Town's systems for the purpose of sending "chain letters," unsolicited mass e-mails, or other "spam."
8. Users shall not maliciously use or disrupt the Town's computers, networks, or internet services; nor breach the system's security features; nor misuse or damage the Town's equipment; nor misuse passwords or accounts; nor attempt to access unauthorized sites; nor use the Town's systems after such access has been denied or revoked; nor attempt to delete, erase or otherwise conceal any information stored on any portion of the Town's systems.
9. Users shall not access the internet for non-work related purposes, including but not limited to: social networking sites such as Facebook, Twitter, and LinkedIn, non-work related blogs or websites; or personal shopping sites, for example, during work hours and/or using the Town's systems.

## **V. Electronic Mail ("Email") Guidelines**

- A. The internet does not guarantee the privacy and confidentiality of information. Sensitive material transferred over the internet may be at risk of detection by a third party. Users must exercise caution and care when transferring such material in any form.

- B. The Secretary of State's Office of the Commonwealth has determined that email qualifies as "public records", as defined in Chapter 4, section 7(26) of the Massachusetts General Laws. Therefore, all email sent by or received through the Town's system shall be archived by the systems administrator. All users shall retain either a printed or digital record of email sent or received through the Town's systems in the same manner that other paper records are kept by their departments, and in accordance with the Record Retention requirements.
- C. Users should be aware that opening programs or files attached to email messages may cause computer viruses to infect the Town's systems, and therefore, should only open such attachments from anticipated and trusted sources.
- D. Employees shall not broadcast messages to all employees via e-mail without permission from the Town Administrator.

## **VI. Telephone Usage**

- A. Telephones (including cellular phones and smart phones) are provided for business use. Personal telephone calls may be permitted, but users should exercise good judgment in making such calls. Managers/department heads are responsible for monitoring their employees' telephone usage. Excessive usage for non-business related purposes, as well as misuse of telephones, such as to make harassing or threatening calls, may result in discipline, up to and including termination from employment.
- B. Employees are reminded that text messages or other similar messages sent via town issued cellular phones and smart phones may constitute public records, and therefore, any such messages pertaining to official business of the Town should be maintained as public records, in the same manner as e-mail messages.

## **VII. Violations of Policy**

A violation or violations of this Policy may result in either the suspension or permanent loss of the privilege to use the Town's systems. It may also result in disciplinary action being taken against the employee, up to and including termination from employment. The illegal use of the Town's systems may result in referral to law enforcement authorities.

Employees shall report violations of this Policy to their supervisor, or in the case of department heads, directly to the Town Administrator. Retaliation against another user for reporting a violation or violations of this Policy, including the use of e-mail or the internet in a retaliatory manner, is strictly prohibited by the Town of Franklin.



## **APPENDIX M:**

### **SOCIAL MEDIA GUIDELINES FOR TOWN SPONSORED ACCOUNTS**

The Town has created Facebook and Twitter accounts for various departments as a customer service tool for the dissemination of unbiased, factual information to the public and community stakeholders. Additional social media accounts beyond Facebook and Twitter may be added with approval of the Town Administrator.

- Only Departments and individuals in this policy are authorized to post information to the Town's social media sites: other Departments and staff members may be authorized by the Town Administrator, as evidenced by updates to this policy.
- The Town's social media sites will be used by the Town and its agencies for communicating information with the sole purpose of informing the public of the work, news and updates of various Town departments. The Town is not obligated to respond to any comments, questions or concerns posted on Facebook or Twitter and is not the most effective method to answer customer service questions.
  - Citizen Questions or Concerns: If any citizen has a question, concern, wants to bring attention to an issue, or would like direction, the Town highly encourages any resident to contact, via phone or email, the respective [Town Department](#) or the [Town Administrator's Office](#) at 508-520-4949 for the most expedient and accurate customer service.
  - **If you have an emergency, please call 911.**
- Town staff is not to engage in any dialogue or private messaging over social media.
- The Town and its agencies are not obligated to follow or friend any organization or individual. The Town and its agencies may follow other public town, state, quasi-state agencies and federal agencies for the coordination and dissemination of information of interest to the public.
- No comments will be accepted through the Town's social media accounts for any public hearing; either adjudicatory public hearings or any other notified public hearing. Residents must attend public hearings and directly communicate with the deliberative body.
- Content posted to social media is subject to Massachusetts Public Records Law.

#### **Monitoring**

- The Town Administrator's Office reserves the right to monitor content on all of its social media sites and to modify or remove any messages, postings or members that it deems, in its sole discretion, to be abusive, defamatory, in violation of copyright, trademark right or other intellectual property right of any third party or otherwise inappropriate for the service.
- The Town expressly reserves right to remove any post, comment or remark that contains the

following content from the social media site:

- Personal attacks, insults or threatening language
  - Obscene or sexual
  - Profane language
  - Racism or discrimination
  - Potentially libelous statements
  - Support or opposition for political campaigns
  - Plagiarized material
  - Personal and private information
  - Anything that may compromise public safety and security
  - Comments or hyperlinks unrelated to posted information
  - Commercial promotions or spam content
- The Town's social media sites may be used to communicate the following:
    - Announcements about departmental or community items of interest
    - Emergency notifications
    - Highlighting of Town events and activities
    - Provide historical information about the Department or the Town
    - Highlight employees who have done good work for the community

**Authorized social media accounts and users as of 6/1/2021**

Authorized users are individuals who post content, any department can request posting content through these individuals.

**DPW**

Brutus Cantoreggi, Kate Sjoberg, Derek Adams, Roseanne Szczepanowski, Doug Martin

**Fire**

Jim McLaughlin, Jim Klich, Joe Barbieri, Tracey Hosford, Doug Perro

**Library**

Felicia Oti, Kim Shipala, Vicki Earls, Caleigh Keating, Brianne Comeau, Mitzi Gousie

**Municipal Building**

Jamie Hellen, Alecia Alleyne, Marketing and Communications Specialist, Executive Assistant

**Police**

Thomas Lynch, Jim Mill, Mark Manocchio, John Ryan, James West, Brian Johnson, Kristin Gutaukas-Donovan, Eric Zimmerman, Connor Crosman, James Mucciarone

**Recreation**

Ryan Jette, Sean Fitzpatrick, Kim Carney

**Senior Center**

Erin Rogers, Susan Barbour, Paul Ledwith, Margaret Gundersen, Patricia Collatos, Ariel Doggett

## **APPENDIX N:**

### **SOCIAL MEDIA GUIDELINES FOR PERSONAL USE**

Town employees who use social media and social networking services and tools for strictly personal use outside of the workplace do not require approval to do so. However, the Town recognizes that these types of tools can sometimes blur the line between professional and personal interactions.

**When using your personal social media account, please be aware of the following:**

- Employees should be aware that anything they post on social media may reflect upon the Town of Franklin.
- Consider your content carefully. Remember, a posting on the web lives forever. This is true even if you have privacy settings on or limit access to the post.
- Online postings that harass or threaten other Town employees or officials are expressly prohibited. Harassing or discriminatory posts or comments may be deemed inappropriate in violation of this Policy, even if the Town or the names of any of its employees are not posted or “tagged” in the comment.
- Online postings that disparage others based on race, national origin, sex, sexual orientation, age, disability or religion are not permitted under any circumstances, regardless of the time, place, form or manner in which the information is posted or transmitted.
- Maintain the privacy of confidential information. Do not post internal reports, policies, procedures or other internal confidential communications. Users are prohibited from posting nonpublic items that are gained as a result of their position with the Town.
- Users may not use social media to engage in any activity or conduct that violates federal, state, or local law. Examples include, but are not limited to, software piracy or child pornography.
- Town employees may not post information about another employee without their consent.
- When your connection to the Town of Franklin is apparent, be clear that you are speaking for yourself and not on behalf of the Town (e.g. “It’s my personal opinion...”). In those circumstances, you may want to include this disclaimer: “The views expressed on this [blog, website, page] are my own and do not reflect the views of my employer.”
- The Town of Franklin may inquire into an employee’s online or social media conduct when a situation arises that may be impacting or reflecting on the Town or affect the employee’s ability or fitness for employment.
- Employees should have no expectation of privacy when using social media sites at the workplace, or when using Town computers, systems or other technology. The Town reserves

the right to access, view and act upon any information on its computers, systems or other technology without notice.

- Employees must use their personal email addresses (not a Town of Franklin email address) as the primary means of identification.
- This policy does not prevent Town employees from discussing the terms or conditions of their employment, unfair labor practices, or otherwise exercising their rights to collective bargaining.

## **APPENDIX O: VEHICLE USAGE POLICY**

### **I. Employees who drive a Municipal Vehicle or a personal vehicle for work related travel must be aware of the following requirements:**

- A. Employees must maintain a valid motor vehicle license issued by the Commonwealth of Massachusetts or the state of their current residence, which must be provided upon request by a supervisor during a specific or periodic license check. A photocopy of the license shall be kept on file in each department.
- B. Employees must ensure that they, and all passenger(s) in a Municipal Vehicle or personal vehicle for work related travel, wear seat belts at all times.
- C. Smoking is not permitted in a Municipal Vehicle in accordance with [Massachusetts General Law, Chapter 270, Section 22](#). Those utilizing a Personal Vehicle for work related travel should be considerate of others in the vehicle that do not smoke.
- D. Employees may not operate Municipal Vehicles or personal vehicles for work related travel, under the influence of alcohol, illegal drugs, or any controlled substances.
  - 1. All operators of vehicles that require a CDL license, must be tested for drugs and alcohol as provided by US DOT regulations.
  - 2. Employees are prohibited from possessing open alcoholic containers, illegal drugs, or controlled substances in a Municipal Vehicle or in a personal vehicle being used for work related travel.
- E. Municipal Vehicles may only be used for legitimate municipal business.
  - 1. Municipal Vehicles shall not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town activities (committee members, consultants, contractors, etc.).
  - 2. Family members shall not ordinarily be transported in Municipal Vehicles.
- F. No employee may use a Municipal Vehicle for out of state use without advance approval of the Town Administrator.
- G. Employees operating a Municipal Vehicle or a personal vehicle for work related travel, shall drive defensively and obey all applicable traffic and parking regulations, ordinances, and laws.

### **II. Using cellular phones and other electronic devices:**

- A. Use of cell phones and other electronic devices while operating a motor vehicle or other equipment, can pose a high risk to the safety of employees and the public, and should be avoided if at all possible.
  - 1. If you receive a phone call operating a vehicle or equipment, allow the call to go to voicemail. Remain focused on the vehicle or equipment you are operating. Continue operation of the motor vehicle or other equipment until you bring the vehicle or

- equipment to a safe stop, then respond to the call. Do not make calls from your cell phone while driving or operating equipment.
2. If you must take a phone call, you are expected to keep the call short, use hands-free options, refrain from discussion of complicated or emotional matters, and remain focused on the road and driving conditions. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area.
- B. In accordance with [Massachusetts General Law, Chapter 90, Section 13B](#), the “[Hands Free Law](#)”, operators of motor vehicles may not use **any** electronic device, including mobile telephones, unless the device is used in hands-free mode. In accordance with the law, drivers operating Municipal Vehicles or a personal vehicle for work-related travel are subject to the following:
1. Can only use electronic devices and mobile phones in hands-free mode and are only permitted to touch devices to activate hands-free mode
  2. Not permitted to hold or support any electronic device/phone.
  3. Cannot touch phone except to activate the hands-free mode and can only enable when the device is installed or properly mounted to the windshield, dashboard, or center console in a manner that does not impede the operation of the motor vehicle.
  4. Not allowed to touch device for texting, emailing, apps, video, or internet use.
  5. Activation of GPS navigation is permitted when the device is installed or properly mounted. Handheld use is allowed only if the vehicle is both stationary and not located in a public travel lane or a bicycle lane, but is not allowed at red lights or stop signs.
  6. Voice to text and communication to electronic devices is legal only when device is properly mounted; use of headphone (one ear) is permitted.

### **III. Personal Headphones**

Personal headphones can be distracting and potentially block out surrounding noises, and as such, may inhibit the hearing of sirens, horns, bells, alarms, voices, changes in engine sounds, or emergency signals. Therefore, because of the potential hazard and safety risk involved, while operating Town vehicles or equipment, all employees are prohibited from wearing personal headphones, communications ear buds, or any other person device which impairs or inters with hearing while on duty. This restriction does not apply to equipment issued to employees to protect their hearing or which is otherwise necessary to perform their job duties.

Management and supervisory personnel will be responsible for ensuring that their employees do not utilize personal equipment with headphones while on the job.

### **IV. Caring for the Municipal Vehicle and Reporting Issues to Supervisor**

- A. Employees are expected to keep Municipal Vehicles clean, and to report any malfunction, damage, needed repairs or other vehicle problems to their supervisors immediately.

- B. Employees are expected to park Municipal Vehicles in safe locations and to lock the vehicle when not in use. Operators should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle.
- C. The Town shall not be liable for the loss or damage of any personal property transported in the Municipal Vehicle or for any personal property while using their personal vehicle for work related travel.
- D. Employees who incur parking or other fines/citations while operating or using an assigned Municipal Vehicle or using a personal vehicle on work related travel, will be personally responsible for payment of such fines/citations, unless payment of such fine/citation is approved by the Town Administrator.
  - 1. Employees who are issued citations for any offense while operating or using a Municipal Vehicle must notify their Supervisor immediately when practicable, but in no case later than 24 hours after the issuance of an issued citation.
- E. An employee who is assigned a Municipal Vehicle and who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of the motor vehicle license, whether in their personal vehicle or in a Municipal Vehicle, must notify their Supervisor immediately when practicable, but in no case later than 24 hours after such arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of Municipal Vehicle privileges.

## **V. Motor Vehicle Accidents**

When an employee using a Municipal Vehicle or personal vehicle on work related travel is involved in a motor vehicle accident, the operator must:

- A. Stop the vehicle and obtain the following information:
  - 1. Name(s) and address(es) of the other driver(s)
  - 2. Driver's license number(s) of the other driver(s)
  - 3. Name(s) and address(es) of the owner(s)
  - 4. Registration number(s) of the other vehicle(s) involved
  - 5. Name(s) and address(es) of other driver(s) insurance company(ies)
  - 6. Name(s) and address(es) of any witness(es) to the accident
- B. Do not admit liability for the accident, even if the employee believes it was their fault
- C. Immediately report details to the employee's immediate supervisor
- D. When any person has been injured and/or when vehicles have suffered significant damage, the local or state police must be called to the scene
- E. Unless an injury prevents the operator from doing so, they must complete an accident report within 48 hours of the accident. The completed report shall be filed with the employee's direct supervisor

1. The Supervisor shall ensure all information is in the report and file a copy with the Town Administrator's office

## **VI. Anti-Idling Policy**

- A. No Town vehicle or piece of equipment is to be idled in a non-emergency situation, unless exempted in the following section. The operator of the vehicle/equipment is to turn-off the unit and the keys are to be removed from the ignition.

Exemptions from this policy include:

1. Police vehicles working traffic enforcement details
2. Department of Public Works vehicles at job sites requiring the use of vehicle emergency lights, power take-offs, and/or other accessories to accomplish their assignment.
3. Inclement weather situations and with supervisor authorization of the vehicle/equipment heater-defroster for the work crew's comfort according to the temperature guidelines below:
  - a. Above 32 degrees Fahrenheit, 5 minute maximum
  - b. Between 0 and 32 degrees Fahrenheit, 15 minute maximum
  - c. Below 0 degrees Fahrenheit, as necessary
  - d. During inclement weather, when the de-icing on a windshield would delay an emergency response.

- B. Operators of vehicle/equipment and supervisors must be judicious in the idling of units at emergency scenes and job sites. If not all the units at the location need to be idling, those units must be turned off and the keys removed from the ignition. Each vehicle/equipment operator will be responsible for the idling operation of their unit and will have the unit key in their possession to ensure that crewmembers do not violate the policy without the responsible operator's knowledge.

**Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicles privileges, suspension and/or termination from Town service.**



## **APPENDIX P:**

### **CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY**

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, vendors, volunteers and interns, and professional licensing applicants. Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, or licensing purposes, the following practices and procedures will be followed.

#### **I. Conducting CORI screening**

CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (“DCJIS”) and [Massachusetts General Law, Chapter 6, Section 172](#), and only after a CORI Acknowledgement Form has been completed and signed by the applicant and appropriate identification has been reviewed. Individuals will complete a CORI acknowledgement form and the CORI may be requested at any time within the one year that the acknowledgment form is valid.

CORI checks will be done after an initial offer of employment has been made for all new Town of Franklin employees.

In accordance with [Massachusetts General Law, Chapter 71, Section 38R](#), the Town is required to conduct criminal background checks on all prospective employees who may have direct and unmonitored contact with children and who are performing work on school grounds. As such, the Town will conduct CORI checks on all Department of Public Works employees and all Facilities employees since they are working in and around the Franklin Public Schools. These CORI must be done at least every three years during an individual’s term of employment. New hires in these departments must also submit to fingerprint-based state and national criminal background checks.

#### **II. Access to CORI**

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a “need to know”. This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The Town of Franklin must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

#### **III. CORI training**

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at the Town of Franklin will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS. Additionally, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the CORI Policy.

#### **IV. Use of CORI in background screening**

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

#### **V. Verifying a subject's identity**

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

#### **VI. Questioning a subject about their criminal history**

In connection with any decision regarding employment, volunteer opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, *prior* to questioning the subject about it. The source(s) of the criminal history record is also to be disclosed to the subject.

#### **VII. Determining suitability**

If a determination is made, based on the information as provided in section V of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but are not limited to, the following:

- (a) Relevance of the record to the position sought;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

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

#### **VIII. Adverse decisions based on CORI**

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified in accordance with DCJIS regulations. The subject shall be provided with a copy of the organization's CORI policy and a copy of the

criminal history (unless a copy was provided previously). The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' Information Concerning the Process for Correcting a Criminal Record.

#### **IX. Secondary dissemination logs**

All CORI obtained from the DCJIS are confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

## **APPENDIX Q: EARNED TIME (“ET”) POLICY**

*The Earned Time Policy applies to non-union employees regularly  
working 20 hours or more per week*

### **I. About Earned Time**

- A. Earned time (“ET”) is a combined pool of time that replaces traditional vacation days, sick days, and personal days. Employees earn time in hours on the first of each month of employment.
- B. Earned time is referred to in “days” for employees working 35 or 40 hours per week. A “day” equals 1/5 of a regular work week.
- C. Regular part-time employees (working 20 hour or more per week) earn leave on a pro-rated basis.
- D. In addition to Earned Time, the Town also establishes an “Extended Illness Leave Bank” for an employee to draw from if they are sick for three (3) or more days.
- E. Jury duty, military leave, and bereavement leave are not deducted from ET balances, but are paid as regularly scheduled hours.
- F. An employee is limited in the use of ET during the first 6 months of employment with the Town or the probationary period for a new position. During this period, the employee may not use more than two (2) consecutive days of ET without approval from the Town Administrator.

### **II. Earned Time Status and Accruals**

- A. Earned time is accrued hourly on the first day of each month based on the employee’s start date and length of service with the Town.

<b>Length of Service with the Town</b>	<b>Date of Accruals</b>	<b>Days per Year</b>	
		<b>Hired before 11/1/2009</b>	<b>Hired after 11/1/2009</b>
0 to 5 years	First of the month after start of employment	19	17
More than 5 years, but less than 10 years	After 60 months	23	21
More than 10 years, but less than 20 years	After 120 months	28	26
20+ years	After 240 months	32	30

- B. An employee may hold up to the maximum accrual at any time during the year. If an employee has reached the maximum balance of earned time, they will not accrue further earned time until time has been used.

1. Employees hired before November 1, 2009: Max accrual is 1.5 years' worth of time.
2. Employees hired after November 1, 2009: Max accrual is 1.25 years' worth of time.

An employee has the option to transfer ET to the Extended Illness Leave Bank (EILB) twice per year, in May and November.

- C. Earned Time starts accruing on the first of the month after the start of employment. An employee changes ET status on their 5<sup>th</sup>, 10<sup>th</sup>, and 20<sup>th</sup> anniversaries with the Town. The new accrual will begin on the first of the month after the anniversary date.
- D. New employees hired after November 1, 2009, generally will start at the first "level" of Earned Time, which is 17 days. However, at the discretion of the Town Administrator, an employee may start at a higher level.

The employee will stay at each level for the same amount of time as an employee who starts at the first level. The employee will move up to the next level on their anniversary.

17 days – 0-5 years of service – employee remains in this status for 5 years  
21 days – 5-10 years of service – employee remains in this status for 5 years  
26 days – 10-20 years of service – employee remains in this status for 10 years

- E. If an employee is promoted into a position with ET from another position in the Town of Franklin, including a part-time position without benefits, their original start date with the Town will be used when determining ET status, unless an exception is granted by the Town Administrator.
- F. Employees who are on paid leave will continue to accrue earned time each month.
1. If an employee is on unpaid non-FMLA leave for more than thirty (30) days, they will not accrue additional ET until they return to work or to a paid status.
  2. If an employee is on an unpaid, FMLA leave of absence, the employee will stop accruing earned time at the expiration of the twelve weeks of FMLA, or after the exhaustion of all earned time, whichever is later.
- G. Upon termination of employment, an employee is entitled to receive pay for any unused ET accumulation. It will be paid at the employee's base rate of pay.

### **III. Requesting and Using Earned Time**

- A. All requests for earned time must have the approval of the department head and may be denied based on workload, staffing, or other management concerns.
1. When possible, earned time should be requested in advance. Single days should be requested at least one business day in advance.

2. Longer periods should be requested at least a week in advance to allow for planning and distribution of work.
- B. When an employee needs to take time for illness or something unexpected, they should contact their supervisor at least thirty (30) minutes prior to the start of the work day.
- C. Employees must use a minimum of one (1) hour of ET at a time. After the first hour, they may use ET in fifteen (15) minute increments.
- D. While employees are generally permitted to use earned time for all purposes, abuse or excessive use of unscheduled earned time, including an improper pattern of use, is prohibited and may be grounds for disciplinary action.
- E. Employees are responsible for maintaining a balance of earned time to cover normal and unanticipated absences. Employees with low balances of ET may be advised by their managers about the appropriate and good management of their ET.
- F. An employee taking time off must use earned time rather than taking time off without pay, except for when taking time off after the birth or adoption of a child ([see Extended Parental Leave policy](#)).

#### **IV. Extended Illness Leave Bank (“EILB”)**

- A. The Town will deposit fifteen (15) days into an employee’s EILB after successful completion of the probationary period (after six months of employment).
  1. The fifteen days will be pro-rated for regular part-time employees based on their schedule.
  2. If an employee moves from part-time to full-time, the Town will deposit the remaining hours to bring the allotment to the full 15 days.
- B. Employees may transfer earned time to their EILB twice per year, in May and November, as long as they do not exceed the maximum amount of time in the EILB. One hour of ET transfers as one hour of EILB.
- C. Employees may access the EILB after missing three (3) or more consecutive work days for an illness.
- D. If an employee is out on extended illness for six (6) or more consecutive work days, the initial two (2) days of ET will be converted to extended illness leave bank time.
- E. The department head or Town Administrator may request a doctor’s certification prior to approval of sick bank usage. The certification will consist of a signed statement by a Licensed Physician that they personally examined the employee and shall contain the nature of the illness or injury, unless identified by the medical provider as being of a confidential nature; a statement that the employee was unable to perform their duties due

to the specific illness or injury on the day in question, and the prognosis for employee's return to work.

- F. Extended Illness Leave Bank time is only for an employee's own illness and does not cover absences due to a family member's illness, except under the following circumstances:
  - 1. If an employee is on an **approved leave under the Family and Medical Leave Act** (FMLA) to care for a family member, they may use up to twenty (20) EILB days in a 52 week period to care for a spouse, child, or parent. This leave must be officially approved and designed as FMLA by Human Resources. Resources.
- G. Employees on Worker's Compensation may use time from their EILB to supplement their Worker's Compensation and bring their pay to 100%
- H. Employees may only have a certain amount of EILB time on the books at any given time.
  - 1. Employees hired before November 1, 2009: Maximum is 160 days.
  - 2. Employees hired after November 1, 2009: Maximum is 60 days.
- I. There is no cash out for any extended illness leave bank balances. Individual balances will not be converted to cash under any circumstances.

**ET tables are listed on the next page for quick reference**

### ET TABLE FOR EMPLOYEES HIRED BEFORE NOVEMBER 1, 2009

			35 HOUR EMPLOYEES <i>TABLE 350</i>					40 HOUR EMPLOYEES <i>TABLE 352</i>			
Years of Service	Number of Days Per Year		Number of Hours Per Year	Accrual in Hours Per Month	Max Accrual in Days (1.5 years' worth)	Max Accrual in Hours		Number of Hours Per Year	Accrual in Hours Per Month	Max Accrual in Days (1.5 years' worth)	Max Accrual in Hours
0 to 5	19		133	11.0838	28.5	199.5		152	12.6672	28.5	228
5 to 10	23		161	13.4169	34.5	241.5		184	15.3336	34.5	276
10 to 20	28		196	16.3338	42	294		224	18.6672	42	336
20 plus	32		224	18.6669	48	336		256	21.3336	48	384
MAXIMUM EILB TIME:			160 DAYS			1120					1280

### ET TABLE FOR EMPLOYEES HIRED AFTER NOVEMBER 1, 2009

			35 HOUR EMPLOYEES <i>TABLE 351</i>					40 HOUR EMPLOYEES <i>TABLE 353</i>			
Years of Service	Number of Days Per Year		Number of Hours Per Year	Accrual in Hours Per Month	Max Accrual in Days (1.25 years' worth)	Max Accrual in Hours		Number of Hours Per Year	Accrual in Hours Per Month	Max Accrual in Days (1.25 years' worth)	Max Accrual in Hours
0 to 5	17		119	9.9169	21.25	148.75		136	11.3336	21.25	170
5 to 10	21		147	12.2500	26.25	183.75		168	14.0000	26.25	210
10 to 20	26		182	15.1669	32.5	227.5		208	17.3336	32.5	260
20 plus	30		210	17.5000	37.5	262.5		240	20.0000	37.5	300
MAXIMUM EILB TIME:			60 DAYS			420					480



## **APPENDIX R: FAMILY AND MEDICAL LEAVE ACT (“FMLA”) POLICY**

### **I. About FMLA**

- A. The Family and Medical Leave Act of 1993 entitles employees to take unpaid, job-protected leave for family and medical reasons. Eligible employees are entitled to:
1. Twelve (12) workweeks of leave in a 52-week period for:
    - a. A serious health condition that makes the employee unable to perform the essential functions of their job, including incapacity due to pregnancy and for prenatal medical care
    - b. To care for the employee’s spouse, child, or parent who has a serious health condition
    - c. The birth of a child and to bond with the newborn child within one year of birth
    - d. The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement
    - e. Any qualifying emergency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty”
  2. Military Caregiver Leave:  
Eligible employees may take up to 26 workweeks of leave in a single 52-week period to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.
  3. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reasons during the single 12-month period.
- B. After the leave, employees will be entitled to be restored to the same position of employment as held when the absence began, or to be restored to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.
- C. If medically necessary, time off may be taken on an intermittent or reduced leave schedule. The total FMLA protected time off may not exceed a total of 12 workweeks over a 52-week period of time.
- D. If intermittent leave is required, the Town may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of absence or a part-time schedule, provided the position has equivalent pay and benefits.

### **II. Eligibility Requirements**

An employee must be employed by the Town for at least 3 months and have worked at least 1000 hours in the 52-week period immediately preceding the leave.

### **III. Notice Requirements**

- A. An employee wishing to use FMLA leave must complete an “Employee Notice of Family or Medical Leave” (available in Human Resources) and submit it to their department head as soon as the need for leave is identified. The department head will submit the form to the Human Resources Department.
- B. When the need for leave can be planned or anticipated, such as the birth or adoption of a child, or a scheduled medical treatment, the employee must provide 30 days advance notice. If 30 days advance notice is not possible, the employee must provide notice of the need for leave as soon as possible and practical.
- C. If an employee requests the use of extended sick leave, parental leave or leave to care for a sick relative, it is the department head’s responsibility to notify the Director of Human Resources immediately so that leave may be appropriately designated.

#### **IV. Medical Certification Requirements**

- A. The Town will require written medical certification in all instances of employee or family member illness. Medical certification should be provided to the Town on the official Department of Labor [“Certification of Healthcare Provider” form](#).
  - 1. For leave to care for a seriously ill child, spouse, or parent, the certification must state that the employee is needed to provide the care.
  - 2. The employee must provide the requested medical certification within 15 calendar days after an employers’ request.
  - 3. An employee’s failure to provide reasons sufficient to qualify for FMLA leave may result in denial of the leave.
- B. When the employee is on leave status, the employee may be required to report periodically on their leave status and intention to return to work. Requests made by the Town for updated medical certification must be submitted within fifteen (15) days of the request.

#### **V. Designation as FMLA**

- A. The Director of Human Resources is responsible for determining whether the absence will be designated as leave under FMLA.
- B. If the Town of Franklin has enough information to determine that a leave is FMLA-qualifying, the HR Director will designate the leave as FMLA leave and notify the employee.
  - 1. The Department of Labor stated in an [opinion letter in March 2019](#) that the Town of Franklin may not delay the designation of FMLA leave, even if the employee has accrued time off and would prefer that the Town delay designating leave as FMLA.

#### **VI. Employee Status and Benefits During Leave**

- A. Unless eligible for other leave entitlement, FMLA is unpaid leave.

1. An employee may use accrued benefits such as earned time, sick time, vacation, and personal time in accordance with the Town's Earned Time Policy or relevant collective bargaining agreement.
  2. An employee will continue to accrue sick, vacation, and earned time and be eligible for paid holidays during periods of approved FMLA leave. Once the 12 weeks of FMLA has expired, if a person is no longer receiving pay, they will not accrue or be eligible for additional leave time.
  3. The Town requires an employee to use all paid leave to which they are entitled before moving to unpaid leave, *with the exception of parental leave*.
- B. If an employee exhausts all paid leave balances, they may continue their health insurance and other coverage by arranging to pay their portion of the premium contributions during the unpaid periods of leave.
1. Payment must be received in the Treasurer's Office by the 15th day of the month.
    - a. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.
    - b. The Town will provide 15 days' notification prior to the termination of coverage.

## **VII. Return from Leave**

The Town will require an employee on leave for their own medical condition to submit certification of fitness for duty from their medical provider before returning to work. The medical provider must comment on whether the employee is cleared to return to full duty or if accommodations are necessary.

## **VIII. Failure to Return from Leave:**

If an employee elects not to return to work upon completion of an approved unpaid leave, the Town may recover from the employee the cost of any premiums paid by the Town to maintain the employee's health insurance coverage, unless the failure to return to work was for one of the following reasons:

1. The employee is unable to perform the functions of their position because of their own serious health condition.
2. Other conditions beyond the employee's control.

## **IX. Additional leave time beyond 12 weeks:**

- A. If an employee is unable to return to work at the completion of the FMLA period (12 weeks), they may request an extension of the leave under a *non-FMLA leave*. The Town Administrator will review the request and approve additional non-FMLA leave on a case-by-case basis. In making this decision, the Town Administrator will evaluate the needs of the department and the likelihood that the employee will be able to return to work in a reasonable amount of time.
- B. Time beyond the initial 12 weeks is not protected by the Family and Medical Leave Act of 1993. Therefore, an employee who does not have leave balances available will:

1. not accrue any additional leave time
2. pay the full cost of health insurance (not just the employee percentage) during the leave.

## **X. Definitions**

**Family Medical Leave Absence:** An approved absence available to eligible employees for up to twelve (12) weeks of time off in any 52-week period under circumstances that are critical to the employee's health or the health of the employee's **spouse, child, or parent**.

**Medical Leave:** A leave taken when the employee is unable to perform the functions of their job because of a serious health condition.

**Serious Health Condition:** A serious health condition is defined as any of the following:

1. A condition which requires inpatient care at a hospital, hospice, or residential medical care facility
2. Any period of incapacity or any subsequent treatment in connection with such inpatient care by a licensed health care provider
3. Illnesses of a serious and long-term nature, resulting in recurring or lengthy absence. Generally, a chronic or long term health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

**Family Care Leave:**

1. The birth of a child of the employee
2. The placement of a child with an employee in connection with the adoption or state-approved foster care of the child by the employee
3. An illness, injury, impairment or physical or mental condition of a child, parent, or spouse which warrants the participation of a family member to provide care during a period of the treatment or supervision of the child, parent, or spouse and also involves either inpatient care in a facility or continuing treatment or continuing supervision by a health care provider.

**Child:** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under eighteen (18) years old or a dependent adult.

**Parent:** A biological, foster, or adoptive parent, a stepparent, or a legal guardian. "Parent" does not include a parent-in-law or grandparent.

## **ACKNOWLEDGEMENT FORM**

## **ACKNOWLEDGEMENT OF RECEIPT OF TOWN OF FRANKLIN POLICIES AND PROCEDURES**

This is your copy of the **Town of Franklin Policies and Procedures (updated July 8, 2021)**. You are required and directed to read and comply with all provisions of the manual, including without limitation those that address your responsibilities as an employee of the Town of Franklin. If any provision is unclear to you, it is your responsibility to request guidance or clarification on the provision. A violation of a provision will not be excused because you have not read, or requested clarification, of the provision.

This does not constitute an express or implied employment contract or change your status as an employee at will. The provisions in this document are subject to change by the Town of Franklin and such changes will be provided to you.

**I hereby acknowledge that I have received and reviewed the Town of Franklin Policies and Procedures and that I have been given an opportunity to ask questions about the provisions it contains.**

Employee Name (Print): \_\_\_\_\_

Department: \_\_\_\_\_

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

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