

Town of Franklin



EMERGENCY CONTACT INFORMATION

This form will be kept as part of your personnel file and used only in the event of an emergency. Please type or print all information clearly. Note: If your telephone number is unpublished please make a note on this form. If any of the contact information on this form changes in the future, please submit a revised form to Human Resources.

EMPLOYEE NAME: ✓ _____

DEPARTMENT: ✓ _____

✓ NON-WORK HOURS TELEPHONE NUMBER: ✓ _____

___published ___unpublished (please check one)

PRIMARY EMERGENCY CONTACT

✓ NAME OF PERSON TO CONTACT
IN EMERGENCY _____

✓ DAYTIME
TELEPHONE _____

EVENING _____

CELLULAR _____

SECONDARY EMERGENCY CONTACT

✓ NAME OF PERSON TO CONTACT
IN EMERGENCY _____

✓ DAYTIME
TELEPHONE _____

EVENING _____

CELLULAR _____

✓ Employee Signature _____

✓ Date _____

COVERSHEET AND CHECKLIST
FOR HIRING
PART TIME
OR
SEASONAL WORKERS

✓ Name _____

Start Date (Effective Date) _____

Rate of Pay: _____

Job Class Code: _____

JOB CLASS CODES

T402 Gate Guard

T412 Craft Instructor

T414 Playground Leader

T416 Lifeguard

T420 Referee

T422 Program Coordinator

T425 Life Guard Instructor

T442 Playground Supervisor

T458 Program Supervisor

Dept. Org: 01630100 Object: 512280 Check Location: T630 Supervisor: 2749

_____ OBRA Form **signed and dated**

_____ W-4 – **signed and dated** (Employee must complete line 5 & 6 or
may show EXEMPT Status in #7 only)

_____ I-9 Form (with copies of required documents) **signed and dated**

_____ Copy of ID's SS card, license, etc.

_____ Direct Deposit Form – voided check or appropriate bank
documentation with routing number and account number
signed and dated

_____ Employee Health Disclosure Form **signed and dated**

_____ Payroll Authorization

_____ Seasonal Certification Notification

_____ Verified all forms are complete, signed and dated



Stephanie McNeil
Human Resources Director
355 E. Central Street

Phone (508) 553-4810
Fax (508) 553-4896
Franklin, Ma 02038

TOWN OF FRANKLIN

Welcome to the Town of Franklin Recreation Department.

The attached forms must each be fully completed, signed and dated in order for the Town to pay you.

Emergency Contact Form

W-4 – Please complete and sign – if you are a full-time student you may claim EXEMPT per the instructions for line 7. Complete all sections that are appropriate. (See Sample Form)

Direct Deposit Form – this is required – you MUST attach either a voided check or a document from your bank that shows the routing number, account number and check to show if it's a savings or a checking account.

Seasonal Certification Notification – seasonal wages can not be used to establish an Unemployment Claim

OBRA form - This mandatory deduction is instead of Social Security deductions. Complete all sections on both pages, sign and date them. You must complete the plan beneficiary designation section also.

Employee Health Disclosure Form – Check yes or no on question #2 and sign and date.

Form I-9 – Employment Eligibility Verification – Complete Section I – you must produce identification – See the back of this form for the list of acceptable documents

Town of Franklin Fraud Policy – please read the policy and sign that you have read it. We only need your signature page returned to Human Resources

Other Town Policies are attached for you to review.

SAMPLE

Form W-4 (2012)

Purpose. Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

Exemption from withholding. If you are exempt, complete only lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2012 expires February 18, 2013. See Pub. 505, Tax Withholding and Estimated Tax.

Note. If another person can claim you as a dependent on his or her tax return, you cannot claim exemption from withholding if your income exceeds \$950 and includes more than \$300 of unearned income (for example, interest and dividends).

Basic instructions. If you are not exempt, complete the **Personal Allowances Worksheet** below. The worksheets on page 2 further adjust your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earners/multiple jobs situations.

Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

Head of household. Generally, you can claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See Pub. 501, Exemptions, Standard Deduction, and Filing Information, for information.

Tax credits. You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the **Personal Allowances Worksheet** below. See Pub. 505 for information on converting your other credits into withholding allowances.

Nonwage income. If you have a large amount of nonwage income, such as interest or dividends, consider making estimated tax payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity

income, see Pub. 505 to find out if you should adjust your withholding on Form W-4 or W-4P.

Two earners or multiple jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 505 for details.

Nonresident alien. If you are a nonresident alien, see Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.

Check your withholding. After your Form W-4 takes effect, use Pub. 505 to see how the amount you are having withheld compares to your projected total tax for 2012. See Pub. 505, especially if your earnings exceed \$130,000 (Single) or \$180,000 (Married).

Future developments. The IRS has created a page on IRS.gov for information about Form W-4, at www.irs.gov/w4. Information about any future developments affecting Form W-4 (such as legislation enacted after we release it) will be posted on that page.

Personal Allowances Worksheet (Keep for your records.)

A	Enter "1" for yourself if no one else can claim you as a dependent	A	_____
B	Enter "1" if: { • You are single and have only one job; or • You are married, have only one job, and your spouse does not work; or • Your wages from a second job or your spouse's wages (or the total of both) are \$1,500 or less. }	B	_____
C	Enter "1" for your spouse. But, you may choose to enter "0" if you are married and have either a working spouse or more than one job. (Entering "0" may help you avoid having too little tax withheld.)	C	_____
D	Enter number of dependents (other than your spouse or yourself) you will claim on your tax return	D	_____
E	Enter "1" if you will file as head of household on your tax return (see conditions under Head of household above)	E	_____
F	Enter "1" if you have at least \$1,900 of child or dependent care expenses for which you plan to claim a credit	F	_____
G	Child Tax Credit (including additional child tax credit). See Pub. 972, Child Tax Credit, for more information. • If your total income will be less than \$61,000 (\$90,000 if married), enter "2" for each eligible child; then less "1" if you have three to seven eligible children or less "2" if you have eight or more eligible children. • If your total income will be between \$61,000 and \$84,000 (\$90,000 and \$119,000 if married), enter "1" for each eligible child	G	_____
H	Add lines A through G and enter total here. (Note. This may be different from the number of exemptions you claim on your tax return.) ▶	H	_____

For accuracy, complete all worksheets that apply.
 { • If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
 • If you are single and have more than one job or are married and you and your spouse both work and the combined earnings from all jobs exceed \$40,000 (\$10,000 if married), see the Two-Earners/Multiple Jobs Worksheet on page 2 to avoid having too little tax withheld.
 • If neither of the above situations applies, stop here and enter the number from line H on line 5 of Form W-4 below.

Separate here and give Form W-4 to your employer. Keep the top part for your records.

Form W-4 Department of the Treasury Internal Revenue Service		Employee's Withholding Allowance Certificate ▶ Whether you are entitled to claim a certain number of allowances or exemption from withholding is subject to review by the IRS. Your employer may be required to send a copy of this form to the IRS.		OMB No. 1545-0074 2012
1 Your first name and middle initial <i>Mary</i>		Last name <i>Jones</i>		2 Your social security number <i>1-1-1</i>
Home address (number and street or rural route) <i>123 Any St.</i>		3 <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate. Note. If married, but legally separated, or spouse is a nonresident alien, check the "Single" box.		
City or town, state, and ZIP code <i>Anytown MA 02134</i>		4 If your last name differs from that shown on your social security card, check here. You must call 1-800-772-1213 for a replacement card. ▶ <input type="checkbox"/>		
5 Total number of allowances you are claiming (from line H above or from the applicable worksheet on page 2)		5		_____
6 Additional amount, if any, you want withheld from each paycheck		6		\$ _____
7 I claim exemption from withholding for 2012, and I certify that I meet both of the following conditions for exemption. • Last year I had a right to a refund of all federal income tax withheld because I had no tax liability, and • This year I expect a refund of all federal income tax withheld because I expect to have no tax liability. If you meet both conditions, write "Exempt" here. ▶		7		<i>Exempt</i>
Under penalties of perjury, I declare that I have examined this certificate and, to the best of my knowledge and belief, it is true, correct, and complete.				
Employee's signature (This form is not valid unless you sign it.) ▶ <i>Mary Jones</i>		Date ▶ <i>1/1/10</i>		
8 Employer's name and address (Employer: Complete lines 8 and 10 only if sending to the IRS.) <i>Town of Franklin</i>		9 Office code (optional)		10 Employer identification number (EIN)

Form W-4 (2012)

Purpose. Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

Exemption from withholding. If you are exempt, complete **only** lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2012 expires February 18, 2013. See Pub. 505, Tax Withholding and Estimated Tax.

Note. If another person can claim you as a dependent on his or her tax return, you cannot claim exemption from withholding if your income exceeds \$950 and includes more than \$300 of unearned income (for example, interest and dividends).

Basic instructions. If you are not exempt, complete the **Personal Allowances Worksheet** below. The worksheets on page 2 further adjust your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earners/multiple jobs situations.

Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

Head of household. Generally, you can claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See Pub. 501, Exemptions, Standard Deduction, and Filing Information, for information.

Tax credits. You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the **Personal Allowances Worksheet** below. See Pub. 505 for information on converting your other credits into withholding allowances.

Nonwage income. If you have a large amount of nonwage income, such as interest or dividends, consider making estimated tax payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity

income, see Pub. 505 to find out if you should adjust your withholding on Form W-4 or W-4P.

Two earners or multiple jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 505 for details.

Nonresident alien. If you are a nonresident alien, see Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.

Check your withholding. After your Form W-4 takes effect, use Pub. 505 to see how the amount you are having withheld compares to your projected total tax for 2012. See Pub. 505, especially if your earnings exceed \$130,000 (Single) or \$180,000 (Married).

Future developments. The IRS has created a page on IRS.gov for information about Form W-4, at www.irs.gov/w4. Information about any future developments affecting Form W-4 (such as legislation enacted after we release it) will be posted on that page.

Personal Allowances Worksheet (Keep for your records.)

A	Enter "1" for yourself if no one else can claim you as a dependent	A	_____
B	Enter "1" if: <div style="display: inline-block; vertical-align: middle;"><div style="display: inline-block; vertical-align: middle;">• You are single and have only one job; or</div><div style="display: inline-block; vertical-align: middle;">• You are married, have only one job, and your spouse does not work; or</div><div style="display: inline-block; vertical-align: middle;">• Your wages from a second job or your spouse's wages (or the total of both) are \$1,500 or less.</div></div>	B	_____
C	Enter "1" for your spouse. But, you may choose to enter "-0-" if you are married and have either a working spouse or more than one job. (Entering "-0-" may help you avoid having too little tax withheld.)	C	_____
D	Enter number of dependents (other than your spouse or yourself) you will claim on your tax return	D	_____
E	Enter "1" if you will file as head of household on your tax return (see conditions under Head of household above)	E	_____
F	Enter "1" if you have at least \$1,900 of child or dependent care expenses for which you plan to claim a credit (Note. Do not include child support payments. See Pub. 503, Child and Dependent Care Expenses, for details.)	F	_____
G	Child Tax Credit (including additional child tax credit). See Pub. 972, Child Tax Credit, for more information. • If your total income will be less than \$61,000 (\$90,000 if married), enter "2" for each eligible child; then less "1" if you have three to seven eligible children or less "2" if you have eight or more eligible children. • If your total income will be between \$61,000 and \$84,000 (\$90,000 and \$119,000 if married), enter "1" for each eligible child	G	_____
H	Add lines A through G and enter total here. (Note. This may be different from the number of exemptions you claim on your tax return.) ►	H	_____
For accuracy, complete all worksheets that apply.		<div>• If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.</div> <div>• If you are single and have more than one job or are married and you and your spouse both work and the combined earnings from all jobs exceed \$40,000 (\$10,000 if married), see the Two-Earners/Multiple Jobs Worksheet on page 2 to avoid having too little tax withheld.</div> <div>• If neither of the above situations applies, stop here and enter the number from line H on line 5 of Form W-4 below.</div>	

Separate here and give Form W-4 to your employer. Keep the top part for your records.

Form W-4 Department of the Treasury Internal Revenue Service		Employee's Withholding Allowance Certificate		OMB No. 1545-0074	
		► Whether you are entitled to claim a certain number of allowances or exemption from withholding is subject to review by the IRS. Your employer may be required to send a copy of this form to the IRS.		2012	
1 Your first name and middle initial		Last name		2 Your social security number	
Home address (number and street or rural route)				3 <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate. Note. If married, but legally separated, or spouse is a nonresident alien, check the "Single" box.	
City or town, state, and ZIP code				4 If your last name differs from that shown on your social security card, check here. You must call 1-800-772-1213 for a replacement card. ► <input type="checkbox"/>	
5 Total number of allowances you are claiming (from line H above or from the applicable worksheet on page 2)				5 _____	
6 Additional amount, if any, you want withheld from each paycheck				6 \$ _____	
7 I claim exemption from withholding for 2012, and I certify that I meet both of the following conditions for exemption. • Last year I had a right to a refund of all federal income tax withheld because I had no tax liability, and • This year I expect a refund of all federal income tax withheld because I expect to have no tax liability. If you meet both conditions, write "Exempt" here				7 <input type="checkbox"/>	
Under penalties of perjury, I declare that I have examined this certificate and, to the best of my knowledge and belief, it is true, correct, and complete.					
Employee's signature (This form is not valid unless you sign it.) ►					
8 Employer's name and address (Employer: Complete lines 8 and 10 only if sending to the IRS.)		9 Office code (optional)		10 Employer identification number (EIN)	

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Office of Human Resources
355 East Central Street
Franklin, Massachusetts 02038-1352Participant Enrollment
Governmental 457(b) Plan

Massachusetts Deferred Compensation SMART Plan - Mandatory OBRA

98966-02

Participant Information

Last Name		First Name		MI	Social Security Number			
Address - Number & Street					E-Mail Address			
City		State	Zip Code		<input type="checkbox"/> Married	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Female	<input type="checkbox"/> Male
Home Phone		Work Phone		Mo Day Year		Mo Day Year		
				Date of Birth		Date of Hire		

Investment Option Information (applies to all contributions) - Please refer to your marketing communication materials for information regarding each investment option.

I understand that funds may impose redemption fees on certain transfers, redemptions or exchanges if assets are held less than the period stated in the fund's prospectus or other disclosure documents. I will refer to the fund's prospectus and/or disclosure documents for more information.

INVESTMENT OPTION NAME	INVESTMENT OPTION CODE	%
The Income Fund	MELINC	
MUST INDICATE WHOLE PERCENTAGES		=100%

Plan Beneficiary Designation

This designation is effective upon execution and delivery to Service Provider at the address below. I have the right to change the beneficiary. If any information is missing, additional information may be required prior to recording my beneficiary designation. If my primary and contingent beneficiaries predecease me or I fail to designate beneficiaries, amounts will be paid pursuant to the terms of the Plan Document or applicable state law.

You may only designate one primary and one contingent beneficiary on this form. However, the number of primary or contingent beneficiaries you name is not limited. If you wish to designate more than one primary and/or contingent beneficiary, do not complete the section below. Instead, complete and forward the Beneficiary Designation form.

Primary Beneficiary

100.00%				
% of Account Balance	Social Security Number	Primary Beneficiary Name	Relationship	Date of Birth

Contingent Beneficiary

100.00%				
% of Account Balance	Social Security Number	Contingent Beneficiary Name	Relationship	Date of Birth

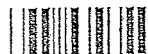
Participation Agreement

Withdrawal Restrictions - I understand that the Internal Revenue Code (the "Code") and/or my employer's Plan Document may impose restrictions on transfers and/or distributions. I understand that I must contact the Plan Administrator/Trustee to determine when and/or under what circumstances I am eligible to receive distributions or make transfers.

Compliance With Plan Document and/or the Code - Participation in this Plan is mandatory. A deduction will be taken from your wages and invested on your behalf based on your employer's Plan Document. I agree that my employer or Plan Administrator/Trustee may take any action that may be necessary to ensure that my participation in the Plan is in compliance with any applicable requirement of the Plan Document and/or the Code. I understand that it is my responsibility to monitor my total annual contributions to ensure that I do not exceed the amount permitted. If I exceed the contribution limit, I assume sole liability for any tax, penalty, or costs that may be incurred.

Incomplete Forms - I understand that in the event my Participant Enrollment form is incomplete or is not received by Service Provider at the address below prior to the receipt of any deposits, I specifically consent to Service Provider retaining all monies received and allocating them to the default investment option.

Account Corrections - I understand that it is my obligation to review all confirmations and quarterly statements for discrepancies or errors. Corrections will be made only for errors which I communicate within 90 calendar days of the last calendar quarter. After this 90 days, account information shall be deemed accurate and acceptable to me. If I notify Service Provider of an error after this 90 days, the correction will only be processed from the date of notification forward and not on a retroactive basis.



Town of Franklin
Direct Deposit Authorization and Change Form

You may choose up to four (4) accounts. If you split amounts between accounts, one account must be indicated as "balance". If you choose to use only one account, that account should be indicated as "balance". This will be the net amount of your paycheck.

Please attach a **personal check** marked VOID for checking accounts, a **deposit slip** marked VOID for savings account(s) and/or an **official bank form** certified and stamped by a banking official which provides your account number and the bank routing number.

I hereby authorize the direct deposit of my net pay by my employer in the account(s) and financial institution(s) indicated. Such direct deposit will be made on each succeeding payday, unless I choose to terminate this agreement in writing to my employer. Any such notification to my employer shall become effective following receipt, after reasonable opportunity to act on it.

In the event that my employer deposits funds erroneously into my account, I authorize my employer to debit my account for an amount not to exceed the original amount of the credit.

Please allow two to three pay periods to activate. Once activated, you will receive your check with a non-negotiable check and your stub with your weekly earnings information as normal.

****PLEASE NOTE THAT DIRECT DEPOSIT IS REQUIRED BY THE TOWN OF FRANKLIN****

Employee Name: _____ Employee ID#: _____

PLEASE SIGN BELOW

Please Check One

Please Check One

New <input type="checkbox"/>	Financial Institution	Checking <input type="checkbox"/>	<input type="checkbox"/>
Cancel <input type="checkbox"/>	_____	Savings <input type="checkbox"/>	<input type="checkbox"/>
Change Amt. <input type="checkbox"/>	_____	Amount	_____
Transit Routing Number	Account Number	\$	_____
New <input type="checkbox"/>	Financial Institution	Checking <input type="checkbox"/>	<input type="checkbox"/>
Cancel <input type="checkbox"/>	_____	Savings <input type="checkbox"/>	<input type="checkbox"/>
Change Amt. <input type="checkbox"/>	_____	Amount	_____
Transit Routing Number	Account Number	\$	_____
New <input type="checkbox"/>	Financial Institution	Checking <input type="checkbox"/>	<input type="checkbox"/>
Cancel <input type="checkbox"/>	_____	Savings <input type="checkbox"/>	<input type="checkbox"/>
Change Amt. <input type="checkbox"/>	_____	Amount	_____
Transit Routing Number	Account Number	\$	_____
New <input type="checkbox"/>	Financial Institution	Checking <input type="checkbox"/>	<input type="checkbox"/>
Cancel <input type="checkbox"/>	_____	Savings <input type="checkbox"/>	<input type="checkbox"/>
Change Amt. <input type="checkbox"/>	_____	Amount	_____
Transit Routing Number	Account Number	\$	_____

Signature

Date

Revised 09/10

Town of Franklin

Phone (508) 553-4810
Fax (508) 553-4896

Web: www.Franklin.MA.US



Office of Human Resources
355 East Central Street
Franklin, Massachusetts 02038-1352

✓

Last Name

First Name

MI

✓

Social Security Number

Required Signatures - I have completed, understand and agree to all pages of this Participant Enrollment form. I understand that Service Provider is required to comply with the regulations and requirements of the Office of Foreign Assets Control, Department of the Treasury ("OFAC"). As a result, Service Provider cannot conduct business with persons in a blocked country or any person designated by OFAC as a specially designated national or blocked person. For more information, please access the OFAC Web site at: <http://www.ustreas.gov/offices/eotffc/ofac>. Deferral agreements must be entered into prior to the first day of the month that the deferral will be made.

Participant Signature

✓

Date

Registered Representative Signature and ID

Date

Participant forward to Service Provider at:
Great-West Retirement Services®
PO Box 173764
Denver, CO 80217-3764
Express Address:
8515 E. Orchard Road, Greenwood Village, CO 80111
Phone #: 1-877-457-1900
Fax #: 1-866-745-5766

NOTICE TO EMPLOYEES
Certification as a Seasonal Employer

Employer: Town of Franklin
355 East Central Street
Franklin MA 02038

EAN: 78305230

The above-named employer has been approved by the Massachusetts Division of Employment and Training for certification as a seasonal employer. This applies only to the category of employees listed on the Notice of Seasonal Determination dated 4/17/2012.

If you are a seasonal employee, seasonal wages cannot be used to establish an Unemployment Insurance benefit claim, except under certain conditions. A seasonal employee is one who is hired to work for a specific time period totaling less than 16 weeks in a calendar year.

If you were hired as a seasonal employee, you must be notified in writing by your employer before beginning your seasonal employment.

Employee Signature

Town of Franklin provided me with a copy of the Seasonal Determination from the Division of Employment and Training dated 4/17/2012. I understand that I am a seasonal employee and that wages from this occupation cannot be used to establish an Unemployment Insurance benefit claim, except under certain conditions.

Employee Name: _____ (PRINT)

Employee Signature: _____ Date: _____

Employer Signature

I have provided the above-referenced employee with a copy of the Seasonal Determination from the Division of Employment and Training dated 4/17/2012. The employee understands that he/she is a seasonal employee and that wages from this occupation cannot be used to establish an Unemployment Insurance benefit claim, except under certain conditions.

Name of Employer Representative: _____ (PRINT)

Employer Rep. Signature: _____ Date: _____



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Seasonal Certification Unit

Seasonal Determination

own of Franklin

4/17/2012

Occupation	Dates	Status	Comments
ach	6/25/12-8/17/12	Approved	Your application for Seasonal employment has been partially approved. Application received less than 60 days prior to the start of the season for one or more occupation(s).
ogram Coordinator	6/25/12-8/17/12	Approved	
eree	6/25/12-8/17/12	Approved	
unselor	6/25/12-8/17/12	Approved	
nmer Facilities Laborer	7/2/12-8/17/12	Approved	
te Attendant	6/27/12-8/18/12	Approved	
ack Bar Attendant	6/27/12-8/18/12	Approved	
eguard	6/27/12-8/18/12	Approved	

Definition of OBRA:

The Omnibus Budget Reconciliation Act of 1990 (OBRA) expanded the definition of "employment" for Social Security coverage and FICA tax purposes to include service performed after July 1, 1991 by a state or local government employee, unless the employee is a member of the employer's retirement system at the time the service is rendered or is already covered under an agreement between the employer and the Secretary of Health and Human Services (referred to as Section 218 agreement).

Most full-time, state or local public employees are members of their employer's retirement system. By virtue of that membership, full-time service is not covered employment for purposes of the Old Age Survivors And Disability Insurance (OASDI) portion of taxes under the Federal Insurance Contributions Act (FICA), sometimes called Social Security tax, on the wages of employees paid by employer with respect to employment.

Generally, temporary, seasonal and part-time employees are not members of their employer's retirement system and their employment may be excluded from mandatory Social Security coverage provided they participate in an appropriate alternative plan under OBRA.

Mandatory Contributions:

All participants classified as OBRA must make a mandatory contribution to the Plan equal to 7.5% of their gross compensation per pay period.

All OBRA participants are required to complete the following forms to enroll in the Plan. Please return completed forms to your Human Resource Department.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH CARE FINANCE AND POLICY

EMPLOYEE HEALTH INSURANCE RESPONSIBILITY
DISCLOSURE FORM

You are completing this form because you have declined to participate in your employer sponsored health insurance plan.

Employer Name: Town of Franklin/Franklin Public Schools FEIN: 04-6001152

Employer Address: 355 East Central Street, Franklin, MA 02038

✓ Employee First Name: _____

✓ Employee Middle Initial: _____

✓ Employee Last Name: _____

Yes No

✓ 1. Were you offered employer subsidized Health Insurance? _____ X

If yes, did you decline your employer subsidized health insurance? _____

✓ 2. Do you have other health insurance? _____

I hereby affirm, under penalties of perjury that all the information provided herein is true to the best of my knowledge. I also understand that if I do not have health insurance I may be responsible for the full cost of all medical treatment, that I may forfeit all or a portion of my Massachusetts personal tax exemption and be subject to other penalties pursuant to M.G.L. c. 111M, that the Employee Health Insurance Responsibility Disclosure (HIRD) Form contains information that must be reported in my Massachusetts tax return, and that I am required to maintain a copy of the signed HIRD Form.

✓ _____
Employee Signature

✓ _____
Date

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

- ☐ A citizen or national of the United States
☐ A lawful permanent resident (Alien #) A _____
☐ An alien authorized to work until _____
(Alien # or Admission #) _____

Employee's Signature

Date (month/day/year)

Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature

Print Name

Address (Street Name and Number, City, State, Zip Code)

Date (month/day/year)

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: 2 Forms of ID				
Issuing authority: Social Security Form				
Document #: License / Birth Certificate / Passport				
Expiration Date (if any): Library Card / Student Card				
Document #: Insurance Card				
Expiration Date (if any):				

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) TOWN OF FRANKLIN, 355 EAST CENTRAL ST., FRANKLIN, MA 02038		Date (month/day/year)

Section 3. Updating and Reverification. To be completed and signed by employer.

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)	
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.		
Document Title:	Document #:	Expiration Date (if any):
I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.		
Signature of Employer or Authorized Representative		Date (month/day/year)

**Form I-9, Employment
Eligibility Verification**

Instructions

Please read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the U.S.) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination.

What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and non-citizen) hired after November 6, 1986 is authorized to work in the United States.

When Should the Form I-9 Be Used?

All employees, citizens and noncitizens, hired after November 6, 1986 and working in the United States must complete a Form I-9.

Filling Out the Form I-9

Section 1, Employee: This part of the form must be completed at the time of hire, which is the actual beginning of employment. Providing the Social Security number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

Preparer/Translator Certification. The Preparer/Translator Certification must be completed if Section 1 is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete Section 1 on his/her own. However, the employee must still sign Section 1 personally.

Section 2, Employer: For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers or farm labor contractors. Employers must complete Section 2 by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins. If employees are authorized to work, but are unable to present the required

document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days. However, if employers hire individuals for a duration of less than three business days, Section 2 must be completed at the time employment begins. **Employers must record:**

1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. These photocopies may only be used for the verification process and must be retained with the Form I-9. **However, employers are still responsible for completing and retaining the Form I-9.**

Section 3, Updating and Reverification: Employers must complete Section 3 when updating and/or reverifying the Form I-9. Employers must reverify employment eligibility of their employees on or before the expiration date recorded in Section 1. Employers **CANNOT** specify which document(s) they will accept from an employee.

- A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an employee is rehired within three (3) years of the date this form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- C. If an employee is rehired within three (3) years of the date this form was originally completed and the employee's work authorization has expired or if a current employee's work authorization is about to expire (reverification), complete Block B and:

1. Examine any document that reflects that the employee is authorized to work in the U.S. (see List A or C);
2. Record the document title, document number and expiration date (if any) in Block C, and
3. Complete the signature block.



Town of Franklin Fraud Policy and Response Plan

August 2007

Policy Prohibiting Fraud and Establishing Procedures to Investigate Allegations of 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. 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.

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.

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 he or she is 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.

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.

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.

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 systems weaknesses that did not prevent or detect the fraudulent or irregular activities and provide recommendations for improving systems 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.

My signature below acknowledges receipt of the above Town of Franklin
Fraud Policy and Response Plan policy on the date indicated , my obligation
to read it and that it applies to me as an employee of the Town.

Employee Name

Dated: _____

Employee Signature


Town of Franklin

Town Administrator
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street
Franklin, Massachusetts 02038-1352

TO: All Municipal Employees
FROM: Jeffrey Nutting 
DATE: July 24, 2006
SUBJECT: Customer Service

As you are all aware, consistently outstanding customer service is our top priority. Each year, when setting goals with Department Heads, Customer Service is Goal #1.

I want to thank each of you for embracing this goal. The results speak for themselves. The number of complaints has dropped significantly. Our goal is to try to satisfy each customer, and you succeed a great deal of the time.

This is significant because you are not always able to give the answer the customer wants, or provide the service they are seeking. Your professional, courteous treatment of individuals, even when they are not being equally courteous is very much appreciated.

As we begin this year I am attaching two documents, which discuss Customer Service:

Customer Service Commitment
Customer Satisfaction Recovery Strategy

If you have additions for these documents, or would like to discuss them, or if you have any questions, concerns, or ideas on how the Town of Franklin can improve customer service, please feel free to contact me.



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.

Remember, we are here to solve problems.



Customer Satisfaction Recovery Strategy

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 your 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 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, but don't speak down to them either. 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 through 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.

Town of Franklin

Harassment and Sexual Harassment Policy

I. Policy

A. Harassment and Sexual Harassment Prohibited

Harassment on the basis of age, race, color, national origin, sex, religion, sexual orientation or disability is prohibited by state and/or federal law, and will not be tolerated by the Town. All Town employees are responsible for insuring that the work place 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

1. Harassment in General Harassment is unwelcome verbal or physical conduct, directed at an individual based upon age, race, color, national origin, sex, religion, or disability, which disrupts or interferes with another's work performance, or which creates an intimidating, offensive, or hostile environment.

2. 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 this definition, 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 work place environment that is hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment.

4. 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.

B. Investigation

1. All complaints of harassment will be investigated promptly and impartially by the Harassment Grievance Officer or by another qualified individual selected by the Town.
2. 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.
3. 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.
4. 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. Action

Anyone who is found, after investigation, to have engaged in harassment prohibited by this policy will be subject to disciplinary action 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.

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 retaliate 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.

STATE ETHICS COMMISSION

Introduction to the Conflict of Interest Law for the Public Officials and Public Employees

Chapter 268A of the General Laws governs your conduct as a public official or employee. Below are some of the general rules that you must follow. You could face civil and criminal penalties if you take a prohibited action. Many aspects of the law are complicated and there are often exemptions to the general rules. We encourage you to seek legal advice from the Commission or your agency's legal counsel regarding how the law would apply in a particular situation.

In general:

- You may *not* ask for or accept *anything* (regardless of its value), if it is offered in exchange for your agreeing to perform or not perform an official act.
- You may *not* ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated "gifts" include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. *If a prohibited gift is offered:* you may refuse or return it; you may donate it to a non-profit organization, provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer"; provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
- 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 involving 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: you may not take any official action regarding an "after hours" employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact that organization, or its competitors.
- Unless you qualify for an exemption, you may *not* have more than one job with the same municipality or county, or more than one job with the state.
- Except under special circumstances, you may *not* have a financial interest in a contract with your public employer. For instance: if you are a town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- You may *not* represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
- 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. For instance: you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.
- You may *not* use public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
- You may *not*, after leaving public service, take a job involving public contracts or any other particular matter in which

§ 25-21. Conduct of employees.

A. General policy. All employees are prohibited from engaging in any conduct which could reflect unfavorably upon the town. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person or losing complete impartiality in conducting town business.

B. Receipt of gifts.

- (1) Items of monetary value. Employees are prohibited from soliciting or accepting gifts, gratuities, favors, entertainment, loans or any other item of monetary value from any person who has or is seeking to obtain business with the town or from any person within or outside town employment whose interests may be affected by the employee's performance or nonperformance of official duties.
- (2) Nominal gifts. Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or illness; food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional material, e.g., pens, notepads or calendars of nominal intrinsic value, is permitted.
- (3) Flower funds or gifts for fellow employees. Contributions made for such funds or special gifts are not prohibited. However, participation in such activities, including contributions for even nominal gifts to supervisors, must be wholly voluntary on the part of each employee, and any gifts should be of minimal value.
- (4) Supervisors. The policies described in all above sections shall apply to supervisors. In addition, supervisors must avoid placing themselves in a position which could interfere with or create the impression of interfering with the objective evaluation and direction of their subordinates. No supervisor shall accept gifts from subordinates other than those of nominal value for special occasions, and no supervisor shall borrow or loan money or accept favors from any subordinate.

C. Business activities and solicitation. No employee shall engage in any business other than his/her regular duties during working hours, including such activities as selling to fellow employees, lending of money for profit and any similar activity.

D. Outside employment.

- (1) Interference with town employment. Upon proper notification to and approval of the department head and Town Administrator, an employee may engage in outside employment. However, no employee may engage in additional employment which in any manner interferes with proper and effective job performance, results in a conflict of interest or may subject the town to public criticism or embarrassment. If the department head determines that such outside employment is disadvantageous to the town, then

Town of Franklin



Deborah L. Pellegrini, CMC
Town Clerk
Election Administrator

Office of Town Clerk
355 East Central Street
Franklin, Massachusetts 02038-1352
(508) 520-4900
E-mail: dpellegrini@Franklin.MA.US

Notary Public
Justice of the Peace
Passport Agent

December 1, 2009

Dear Municipal/School Employee:

Re: Changes to the State's Conflict of Interest Law.

On July 1, 2009, Governor Patrick signed into law Chapter 28 of the Acts of 2009. This Bill makes changes to the state's conflict of interest law and the State Ethics Commission's enabling act. On September 29, 2009 portions of the Bill that relate to the conflict of interest law go into effect.

(Part 1) Each municipal employee and school employee is required to sign a written acknowledgement stating that he/she has been provided with a summary of the Conflict of Interest Law and such written acknowledgement must be filed with the Town Clerk. The Summary is attached with a sign off on the bottom of this sheet to be returned to the Town Clerk.

(Part 2) The Bill also adds a new Section 28 to the conflict of interest law, which states that every "municipal employee shall, within 30 days after becoming such an employee, and every 2 years thereafter, complete the online training program. Upon completion of the online training program, the employee shall transmit the printed receipt/notice of such completion to the Town Clerk to be retained for 6 years" by the city/town clerk.

The Commission currently has on its website (www.mass.gov/ethics) the online training program, which, until such time as it is revised, should be the program used by municipal employees to comply with this training requirement. Remember, upon completion of the program, employees shall print out the completion certificate, keep a copy for themselves and provide a copy to the town clerk.

Municipal employees should complete the online training program provided on the Commission's website on or before April 2, 2010, and every 2 years thereafter. Municipal employees hired after April 2, 2010, should complete the online training program within 30 days of the date on which they commence employment, and every 2 years thereafter.

Please feel free to contact me if you have any further questions.

Thank you for your cooperation.

Deborah L. Pellegrini, CMC,
Town Clerk
Enc/

(For Part 1) I hereby acknowledge receipt of MGL, Chapter 268A, The Conflict of Interest Law, as amended by Chapter 20, Acts of 2009, as posted on the State Ethics Commission web site.

Name: (please print) _____

Signature _____

Date: _____

This page must be completed and returned on or before December 28, 2009 to Deborah L. Pellegrini, CMC, Town Clerk, 355 East Central Street, Franklin, MA 02039

Summary of the Conflict of Interest Law for Municipal Employees

By December 28, 2009, and on an annual basis thereafter, all current municipal employees must be provided with this summary of the conflict of interest law. Municipal employees hired after December 28, 2009, should be provided with the summary within 30 days of the date on which they commence employment, and on an annual basis thereafter. Every municipal employee is required to sign a written acknowledgment that he has been provided with the summary.

Online Training Program Amended - April 2, 2010

By 12/28/09, and every 2 years thereafter, all current state, county and municipal employees must complete this training. Public employees hired after 12/28/09 must complete this training within 30 days of beginning public service, and every 2 years thereafter. This training is designed primarily for state employees. County and municipal employees should also use this training until it is revised with one tailored to them. Upon completing the program, employees should print out the completion certificate and keep a copy for themselves. Employees will be required to provide a copy of the completion certificate to the Town or City Clerk (municipal employees), their employing agency (appointed state and county employees), or to the Ethics Commission (elected state and county employees). Completing the single program will be considered by the Commission as meeting the Bill's training requirements until a second program is added. When multiple users attempt to complete the current training program using the same computer they may experience a problem accessing the beginning of the program. The user will need to open their internet browser, click on "Tools" then "Internet Options", select "Delete Cookies", then click "OK". The user will be able to click back on the Online Training module on the Commission's website and start at the beginning.

Massachusetts General Law chapter 268A, The Conflict of Interest Law As Amended by c. 20, Acts of 2009

Note: This unofficial version of chapter 268A as amended by chapter 20 of the Acts of 2009 was prepared by staff of the State Ethics Commission and is posted here for the convenience of the public. It is not an official statement of the law.

268A:1 Definitions.

Section 1. In this chapter the following words, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings:

- (a) "Compensation", any money, thing of value or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or another.
- (b) "Competitive bidding", all bidding, where the same may be prescribed by applicable sections of the General Laws or otherwise given and tendered to a state, county or municipal agency in response to an open solicitation of bids from the general public by public announcement or public advertising, where the contract is awarded to the lowest responsible bidder.
- (c) "County agency", any department or office of county government and any division, board, bureau, commission, institution, tribunal or other instrumentality thereof or thereunder.
- (d) "County employee", a person performing services for or holding an office, position, employment, or membership in a county agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation on a full, regular, part-time, intermittent, or consultant basis.
- (e) "Immediate family", the employee and his spouse, and their parents, children, brothers and sisters.
- (f) "Municipal agency", any department or office of a city or town government and any council, division, board, bureau, commission, institution, tribunal or other instrumentality thereof or thereunder.
- (g) "Municipal employee", a person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis, but excluding (1) elected members of a town meeting and (2) members of a charter commission established under Article LXXXIX of the Amendments to the Constitution.
- (h) "Official act", any decision or action in a particular matter or in the enactment of legislation.
- (i) "Official responsibility", the direct administrative or operating authority, whether intermediate or final and either exercisable alone or with others, and whether personal or through subordinates, to approve, disapprove or otherwise direct agency action.
- (j) "Participate", participate in agency action or in a particular matter personally and substantially as a state, county or municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.
- (k) "Particular matter", any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property.
- (l) "Person who has been selected", any person who has been nominated or appointed to be a state, county or municipal employee or has been officially informed that he will be so nominated or appointed.
- (m) "Special county employee", a county employee who is performing services or holding an office, position, employment or membership for which no compensation is provided; or who is not an elected official and (1) occupies a position which, by its classification in the county agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, provided that disclosure of such classification or permission is filed in writing with the State Ethics Commission and the office of the county commissioners prior to the commencement of any personal or private employment, or (2) in fact does not earn compensation as a county employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days. For this purpose compensation by the day shall be considered as equivalent to compensation for seven hours per day. A special county employee shall be in such a status on days for which he is not compensated as well as on days on which he earns compensation.
- (n) "Special municipal employee", a municipal employee who is not a mayor, a member of the board of aldermen, a member of a city council, or a selectman in a town with a population in excess of ten thousand persons and whose position has been expressly classified by the city council, or board of aldermen if there is no city council, or board of selectmen, as that of a special employee under the terms and provisions of this chapter; provided, however, that a selectman in a town with a population of ten thousand or fewer persons shall be a special municipal employee without being expressly so classified. All employees who hold equivalent offices, positions, employment or membership in the same municipal agency shall have the same classification; provided, however, no municipal employee shall be classified as a "special municipal employee" unless he occupies a position for which no compensation is provided or which, by its classification in the municipal agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, or unless he in fact does not earn compensation as a municipal employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days. For this purpose compensation by the day shall be considered as equivalent to compensation for seven hours per day. A special municipal employee shall be in such status on days for which he is not compensated as well as on days on which he earns compensation. All employees of any city or town wherein no such classification has been made shall be deemed to be "municipal employees" and shall be subject to all the provisions of this chapter with respect thereto without exception.
- (o) "Special state employee", a state employee:
 - (1) who is performing services or holding an office, position, employment or membership for which no compensation is provided, or
 - (2) who is not an elected official and
 - (a) occupies a position which, by its classification in the state agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, provided that disclosure of such classification or permission is filed in writing with the state ethics commission prior to the commencement of any personal or private employment, or
 - (b) in fact does not earn compensation as a state employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days. For this purpose compensation by the day shall be considered as equivalent to compensation for seven hours per day. A special state employee shall be in such a status on days for which he is not compensated as well as on days on which he earns compensation.
- (p) "State agency" any department of a state government including the executive, legislative or judicial, and all councils thereof and thereunder, and any division, board, bureau, commission, institution, tribunal or other instrumentality within such department, and any independent state authority, district, commission, instrumentality or agency but not an agency of a county, city or town.
- (q) "State employee", a person performing services for or holding an office, position, employment, or membership in a state agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent or consultant basis, including members of the general court and executive council. No construction contractor nor any of their personnel shall be deemed to be a state employee or special state employee under the provisions of paragraph (o) or this paragraph as a result of participation in the engineering and environmental analysis for major construction projects either as a consultant or part of a consultant group for the commonwealth. Such contractors or personnel may be awarded construction contracts by the commonwealth and may continue with outstanding construction contracts with the commonwealth during the period of such participation; provided, that no such contractor or personnel shall directly or indirectly bid on or be awarded a contract for any construction project if they have participated in the engineering or environmental analysis thereof.

268A:2. Corrupt gifts, offers or promises to influence official acts; corruption of witnesses.

Section 2 (a) Whoever, directly or indirectly, corruptly gives, offers or promises anything of value to any state, county or municipal employee or to any person who has been selected to be such an employee, or to any member of the judiciary, or who offers or promises any such employee or any member of the judiciary, or any person who has been selected to be such an employee or member of the judiciary to give anything of value to any other person or entity with intent

- (1) to influence any official act or any act within the official responsibility of such employee or member of the judiciary or person who has been selected to be such employee or member of the judiciary, or

This section shall not prevent a state employee, other than an employee in the department of revenue from requesting or receiving compensation from anyone other than the commonwealth in relation to the filing or amending of state tax returns.

268A:5. Former state employees acting as attorney or receiving compensation; partners of state employees or legislators.

Section 5. (a) A former state employee who knowingly acts as agent or attorney for, or receives compensation directly or indirectly from anyone other than the commonwealth or a state agency, in connection with any particular matter in which the commonwealth or a state agency is a party or has a direct and substantial interest and in which he participated as a state employee while so employed, or

(b) a former state employee who, within one year after his last employment has ceased, appears personally before any court or agency of the commonwealth as agent or attorney for anyone other than the commonwealth in connection with any particular matter in which the commonwealth or a state agency is a party or has a direct and substantial interest and which was under his official responsibility as a state employee at any time within a period of two years prior to the termination of his employment, or

(c) a partner of a former state employee who knowingly engages during a period of one year following the termination of the latter's employment by the commonwealth in any activity in which the former state employee is himself prohibited from engaging in by clause (a) or

(d) a partner of a state employee who knowingly acts as agent or attorney for anyone other than the commonwealth in connection with any particular matter in which the commonwealth or a state agency is a party or has a direct and substantial interest and in which the state employee participates or has participated as a state employee or which is the subject of his official responsibility, or

(e) a former state employee or elected official, including a former member of the general court, who acts as legislative or executive agent, as defined in section thirty-nine of chapter three, for anyone other than the commonwealth or a state agency before the governmental body as determined by the state ethics commission with which he has been associated, within one year after he leaves that body, or

(f) a former state employee whose salary was not less than that in step one of job group M-VII in the management salary schedule in section forty-six C of chapter thirty, and who becomes an officer or employee of a business organization which is or was a party to any privatization contract as defined in section fifty-three of chapter seven in which contract he participated as such state employee, if he becomes such officer or employee while the business organization is such a party or within one year after he terminates his state employment, unless before the termination of his state employment the governor determines, in a writing filed with the state ethics commission, that such participation did not significantly affect the terms or implementation of such contract, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

If a partner of a member of the general court or of a special state employee or of a former state employee is also a member of another partnership in which the member of the general court or special or former employee has no interest, the activities of the latter partnership in which the member of the general court or special or former employee takes no part shall not thereby be subject to clause (c) or (d).

This section shall not prevent a present or former special state employee from aiding or assisting another person for compensation in the performance of work under a contract with or for the benefit of the commonwealth; provided, that the head of the special state employee's department or agency has certified in writing that the interest of the commonwealth requires such aid or assistance and the certification has been filed with the state ethics commission.

268A:6. Financial interest of state employee, relative or associates; disclosure.

Section 6. (a) Except as permitted by this section, any state employee who participates as such employee in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years or both.

Any state employee whose duties would otherwise require him to participate in such a particular matter shall advise the official responsible for appointment to his position and the state ethics commission of the nature and circumstances of the particular matter and make full disclosure of such financial interest, and the appointing official shall thereupon either

(1) assign the particular matter to another employee; or

(2) assume responsibility for the particular matter; or

(3) make a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the commonwealth may expect from the employee, in which case it shall not be a violation for the employee to participate in the particular matter. Copies of such written determination shall be forwarded to the state employee and filed with the state ethics commission by the person who made the determination. Such copy shall be retained by the commission for a period of six years.

268A:6A. Conflict of interest of public official; reporting requirement.

Section 6A. Any public official, as defined by section 1 of chapter two hundred and sixty-eight B, who in the discharge of his official duties would be required knowingly to take an action which would substantially affect such official's financial interests, unless the effect on such an official is no greater than the effect on the general public, shall file a written description of the required action and the potential conflict of interest with the state ethics commission established by said chapter two hundred and sixty-eight B.

268A:7. Financial interest in contracts of state agency; application of section.

Section 7. A state employee who has a financial interest, directly or indirectly, in a contract made by a state agency in which the commonwealth or a state agency is an interested party, of which interest he has knowledge or has reason to know, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

This section shall not apply if such financial interest consists of the ownership of less than one percent of the stock of a corporation.

This section shall not apply:

(a) to a state employee who in good faith and within thirty days after he learns of an actual or prospective violation of this section makes full disclosure of his financial interests to the contracting agency and terminates or disposes of the interest, or

(b) to a state employee other than a member of the general court who is not employed by the contracting agency or an agency which regulates the activities of the contracting agency and who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the state employee files with the state ethics commission a statement making full disclosure of his interest and the interests of his immediate family in the contract, and if in the case of a contract for personal services (1) the services will be provided outside the normal working hours of the state employee, (2) the services are not required as part of the state employee's regular duties, the employee is compensated for not more than five hundred hours during a calendar year, and (3) the head of the contracting agency makes and files with the state ethics commission a written certification that no employee of that agency is available to perform those services as a part of their regular duties,

(c) to the interest of a member of the general court in a contract made by an agency other than the general court or either branch thereof, if his direct and indirect interests and those of his immediate family in the corporation or other commercial entity with which the contract is made do not in the aggregate amount to ten percent of the total proprietary interests therein, and the contract is made through competitive bidding and he files with the state ethics commission a statement making full disclosure of his interest and the interests of his immediate family,

(d) to a special state employee who does not participate in or have official responsibility for any of the activities of the contracting agency and who files with the state ethics commission a statement making full disclosure of his interest and the interests of his immediate family in the contract, or

(e) to a special state employee who files with the state ethics commission a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the governor with the advice and consent of the executive council exempts him.

This section shall not apply to a state employee who provides services or furnishes supplies, goods and materials to a recipient of public assistance, provided that such services or such supplies, goods and materials are provided in accordance with a schedule of charges promulgated by the department of transitional assistance or the division of health care policy and finance and provided, further, that such recipient has the right under law to choose and in fact does choose the person or firm that will provide such services or furnish such supplies, goods and materials.

This section shall not prohibit a state employee from teaching or performing other related duties in an educational institution of the commonwealth; provided, that such employee does not participate in, or have official responsibility for, the financial management of such educational institution; and provided, further, that such employee is so employed on a part-time basis. Such employee may be compensated for such services, notwithstanding the provisions of section twenty-one of chapter thirty.

This section shall not prohibit a state employee from being employed on a part-time basis by a facility operated or designed for the care of mentally ill or mentally retarded persons, public health, correctional facility or any other facility principally funded by the state which provides similar services and which operates on an uninterrupted and continuous basis; provided that such employee does not participate in, or have official responsibility for, the financial management of such facility, that he is compensated for such part-time employment for not more than four hours in any day in which he is otherwise compensated by the commonwealth, and at a rate which does not exceed that of a state employee classified in step one of job group XX of the general salary schedule contained in section forty-six of chapter thirty, and that the head of the facility makes and files with the state ethics commission a written certification that there is a critical need for the services of the employee. Such employee may be compensated for such services, notwithstanding the provisions of section twenty-one of chapter thirty.

268A:13. Financial interest of county employee, relatives or associates; disclosure.

Section 13. (a) Except as permitted by paragraph (b), a county employee who participates as such an employee in a particular matter in which to his knowledge he, his immediate family or partner, a business organization which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

(b) Any county employee whose duties would otherwise require him to participate in such a particular matter shall advise the official responsible for appointment to his position and the state ethics commission of the nature and circumstances of the particular matter and make full disclosure of such financial interest, and the appointing official shall thereupon either

(1) assign the particular matter to another employee; or

(2) assume responsibility for the particular matter; or

(3) make a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the county may expect from the employee, in which case it shall not be a violation for the employee to participate in the particular matter. Copies of such written determination shall be forwarded to the county employee and filed with the state ethics commission by the person who made the determination. Such copy shall be retained by the commission for a period of six years.

268A:14. County employees; financial interest in contracts of county agency.

Section 14. A county employee who has a financial interest, directly or indirectly, in a contract made by a county agency of the same county, in which the county or a county agency is an interested party of which financial interest he has knowledge or has reason to know, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

This section shall not apply if such financial interest consists of the ownership of less than one percent of the stock of a corporation.

This section shall not apply

(a) to a county employee who in good faith and within thirty days after he learns of an actual or prospective violation of this section makes full disclosure of his financial interest to the contracting agency and terminates or disposes of the interest; or

(b) to a county employee who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made through competitive bidding and his direct and indirect interests and those of his immediate family in the corporation or other commercial entity with which the contract is made do not in the aggregate amount to ten percent of the total proprietary interests therein; or

(c) to a special county employee who does not participate in or have official responsibility for any of the activities of the contracting agency and who files with the state ethics commission a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the county commissioners approve the exemption of his interest from this section.

268A:15. County agency; unfair advantage in relation to particular matter; additional remedies; civil action for damages.

Section 15. (a) In addition to any other remedies provided by law, any violation of section 2, 3, 8, or sections 11 to 14, inclusive, or section 23 which has substantially influenced the action taken by any county agency in any particular matter, shall be grounds for avoiding, rescinding or canceling the action on such terms as the interests of the county and innocent third persons shall require.

(b) In addition to the remedies set forth in subsection (a), the commission may, upon a finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage in violation of section 2, 3, 8, sections 11 to 14, inclusive, or section 23, issue an order (1) requiring the violator to pay the commission on behalf of the county damages in the amount of the economic advantage or \$500, whichever is greater; and (2) requiring the violator to make restitution to an injured third party. If there has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of the written approval of the attorney general and the district attorney, the commission may order payment of additional damages in an amount not exceeding twice the amount of the economic advantage or \$500, and payment of such additional damages shall bar any criminal prosecution for the same violation.

The maximum damages that the commission may order a violator to pay under this section shall be \$25,000. If the commission determines that the damages authorized by this section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

(c) The remedies authorized by this section shall be in addition to any civil penalty imposed by the commission in accordance with clause (3) of subsection (j) of section 4 of chapter 268B.

268A:15A. Members of county commission or board; restrictions on appointments to certain positions.

Section 15A. No member of a county commission or board shall be eligible for appointment or election by the members of such commission or board to any office or position under the supervision of such commission or board. No former member of such commission or board shall be so eligible until the expiration of thirty days from the termination of his service as a member of such commission or board.

268A:16. Repealed, 1978, 210 Sec. 19.

268A:17. Municipal employees; gift or receipt of compensation from other than municipality; acting as agent or attorney.

Section 17. (a) No municipal employee shall, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other than the city or town or municipal agency in relation to any particular matter in which the same city or town is a party or has a direct and substantial interest.

(b) No person shall knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly give, promise or offer such compensation.

(c) No municipal employee shall, otherwise than in the proper discharge of his official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the same city or town, or as agent or attorney for anyone in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest.

Whoever violates any provision of this section shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

A special municipal employee shall be subject to paragraphs (a) and (c) only in relation to a particular matter (a) in which he has at any time participated as a municipal employee, or (b) which is or within one year has been a subject of his official responsibility, or (c) which is pending in the municipal agency in which he is serving. Clause (c) of the preceding sentence shall not apply in the case of a special municipal employee who serves on no more than sixty days during any period of three hundred and sixty-five consecutive days.

This section shall not prevent a municipal employee from taking uncompensated action, not inconsistent with the faithful performance of his duties, to aid or assist any person who is the subject of disciplinary or other personnel administration proceedings with respect to those proceedings.

This section shall not prevent a municipal employee, including a special employee, from acting, with or without compensation, as agent or attorney for or otherwise aiding or assisting members of his immediate family or any person for whom he is serving as guardian, executor, administrator, trustee or other personal fiduciary except in those matters in which he has participated or which are the subject of his official responsibility; provided, that the official responsible for appointment to his position approves.

This section shall not prevent a present or former special municipal employee from aiding or assisting another person for compensation in the performance of work under a contract with or for the benefit of the city or town; provided, that the head of the special municipal employee's department or agency has certified in writing that the interest of the city or town requires such aid or assistance and the certification has been filed with the clerk of the city or town. The certification shall be open to public inspection.

This section shall not prevent a municipal employee from giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

This section shall not prevent a municipal employee from applying on behalf of anyone for a building, electrical, wiring, plumbing, gas fitting or septic system permit, nor from receiving compensation in relation to any such permit, unless such employee is employed by or provides services to the permit-granting agency or an agency that regulates the activities of the permit-granting agency.

268A:18. Former municipal employee, acting as attorney or receiving compensation, from other than municipality; partners.

Section 18. (a) A former municipal employee who knowingly acts as agent or attorney for or receives compensation, directly or indirectly from anyone other than the same city or town in connection with any particular matter in which the city or town is a party or has a direct and substantial interest and in which he participated as a municipal employee while so employed, or

(b) a former municipal employee who, within one year after his last employment has ceased, appears personally before any agency of the city or town as agent or attorney for anyone other than the city or town in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest and which was under his official responsibility as a municipal employee at any time within a period of two years prior to the termination of his employment; or

(c) a partner of a former municipal employee who knowingly engages, during a period of one year following the termination of the latter's employment by the city or town, in any activity in which the former municipal employee is himself prohibited from engaging by clause (a), or

(d) a partner of a municipal employee who knowingly acts as agent or attorney for anyone other than the city or town in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest and in which the municipal employee participates or has participated as a municipal employee or which is the subject of his official responsibility, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

(b) In addition to the remedies set forth in subsection (a), the commission may, upon a finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage in violation of sections 2, 3, 8, 17 to 20, inclusive, or section 23, may issue an order (1) requiring the violator to pay the commission on behalf of the municipality damages in the amount of the economic advantage or \$500, whichever is greater; and (2) requiring the violator to make restitution to an injured third party. If there has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of the written approval of the district attorney, the commission may order payment of additional damages in an amount not exceeding twice the amount of the economic advantage or \$500, and payment of such additional damages shall bar any criminal prosecution for the same violation. The maximum damages that the commission may order a violator to pay under this section shall be \$25,000. If the commission determines that the damages authorized by this section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

(c) The remedies authorized by this section shall be in addition to any civil penalty imposed by the commission in accordance with clause (3) of subsection (j) of section 4 of chapter 268B.

268A:21A. Members of municipal commission or board; restrictions on appointments to certain positions.

Section 21A. Except as hereinafter provided, no member of a municipal commission or board shall be eligible for appointment or election by the members of such commission or board to any office or position under the supervision of such commission or board. No former member of such commission or board shall be so eligible until the expiration of thirty days from the termination of his service as a member of such commission or board.

The provisions of this section shall not apply to a member of a town commission or board, if such appointment or election has first been approved at an annual town meeting of the town.

268A:21B. Prospective municipal appointees; demanding undated resignations prohibited.

Section 21B. No mayor, city manager, or town manager shall require a prospective appointee to a board, commission or position under his jurisdiction to submit as a condition precedent to said appointment an undated resignation from said board, commission or position. Whoever violates the provisions of this section shall be punished by a fine of not more than five hundred dollars.

268A:22. Opinions of corporation counsel, city solicitor or town counsel.

Section 22. Any municipal employee shall be entitled to the opinion of the corporation counsel, city solicitor or town counsel upon any question arising under this chapter relating to the duties, responsibilities and interests of such employee. All requests for such opinions by a subordinate municipal employee shall be made in confidence directly to the chief officer of the municipal agency in which he is employed, who shall in turn request in confidence such opinion of the corporation counsel, city solicitor or town counsel on behalf of such subordinate municipal employee, and all constitutional officers and chief officers or heads of municipal agencies may make direct confidential requests for such opinions on their own account. The town counsel or city solicitor shall file such opinion in writing with the city or town clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the town counsel or city solicitor except upon the submission of detailed existing facts which raise a question of actual or prospective violation of any provision of this chapter.

268A:23. Supplemental provisions; standards of conduct.

Section 23. (a) In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county and municipal employees.

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;

(2) (i) solicit or receive anything of substantial value for such officer or employee, which is not otherwise authorized by statute or regulation, for or because of the officer or employee's official position; or (ii) use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion; or

(4) present a false or fraudulent claim to his employer for any payment or benefit of substantial value.

(c) No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(2) improperly disclose material or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

(d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The state ethics commission, established by chapter two hundred and sixty-eight B, shall not enforce the provisions of this section with respect to any such exempted activity.

(e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.

(f) The state ethics commission shall adopt regulations: (i) defining substantial value; provided, however, that substantial value shall not be less than \$50; (ii) establishing exclusions for ceremonial privileges and exemptions; (iii) establishing exclusions for privileges and exemptions given solely because of family or friendship; and (iv) establishing additional exclusions for other situations that do not present a genuine risk of a conflict or the appearance of a conflict of interest.

268A:23A. Trustees of public institutions of higher learning; prohibited positions.

Section 23A. No trustee of any public institution of higher education operated by the commonwealth shall be eligible to be appointed to or hold any other office or position with said institution for a period of three years next after the termination of his services as such trustee, or in the case of an elected student trustee at said institution, for a period of one year next after the termination of his services as such trustee; provided, however, that any such elected student trustee may accept and hold part-time employment at said institution while a student thereat, and provided further, that a trustee may be appointed to or hold an unpaid office or position with said institution after his services as such trustee.

268A:24. Disclosure and certifications; form; public inspection.

Section 24. All disclosures and certifications provided for in this chapter and made in accordance with its provisions shall be made in writing and, unless otherwise specifically provided in this chapter, shall be kept open to inspection by the public by the official with whom such disclosure has been filed.

268A:25. Suspension of persons under indictment for misconduct in office; notice; compensation and fringe benefits; temporary replacements; reinstatement.

Section 25. An officer or employee of a county, city, town or district, howsoever formed, including, but not limited to, regional school districts and regional planning districts, or of any department, board, commission or agency thereof may, during any period such officer or employee is under indictment for misconduct in such office or employment or for misconduct in any elective or appointive public office, trust or employment at any time held by him, be suspended by the appointing authority, whether or not such appointment was subject to approval in any manner. Notice of said suspension shall be given in writing and delivered in hand to said person or his attorney, or sent by registered mail to said person at his residence, his place of business, or the office or place of employment from which he is being suspended. Such notice so given and delivered or sent shall automatically suspend the authority of such person to perform the duties of his office or employment until he is notified in like manner that his suspension is removed. A copy of any such notice together with an affidavit of service shall be filed as follows: in the case of a county, with the clerk of the Superior Court of the county in which the officer or employee is employed; in the case of a city, with the city clerk; in the case of a town, with the town clerk; in the case of a regional school district, with the secretary of the regional school district; and in the case of all other districts, with the clerk of the district.

Any person so suspended shall not receive any compensation or salary during the period of suspension, nor shall the period of his suspension be counted in computing his sick leave or vacation benefits or seniority rights, nor shall any person who retires from service while under such suspension be entitled to any pension or retirement benefits notwithstanding any contrary provisions of law, but all contributions paid by him into a retirement fund, if any, shall be returned to him.

A suspension under this section shall not, in any way, be used to prejudice the rights of the suspended person either civilly or criminally. During the period of any such suspension, the appointing authority may fill the position of the suspended officer or employee on a temporary basis, and the temporary officer or employee shall have all the powers and duties of the officer or employee suspended.

Any such temporary officer or employee who is appointed as a member of a board, commission or agency may be designated as chairman.

If the criminal proceedings against the persons suspended are terminated without a finding or verdict of guilty on any of the charges on which he was indicted, this suspension shall be forthwith removed, and he shall receive all compensation or salary due him for the period of his suspension, and the time of his suspension shall count in determining sick leave, vacation, seniority and other rights, and shall be counted as creditable service for purposes of retirement.



TOWN OF FRANKLIN WHISTLEBLOWER POLICY

- I. Employees of the Town of Franklin are hereby advised of their rights in accordance with Mass. Gen. Laws Chapter 149, Section 185, the Massachusetts "Whistleblower" statute.
- II. It is the policy of the Town 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:
 1. 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;
 2. 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;
 3. 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.
- IV. 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.
- V. In accordance with this law, the Town has designated the following persons to receive written notification pursuant to this law:
 - Town Administrator
 - Town Attorney
 - Human Resources Director
 - Assistant to the Town Administrator
- VII. 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.
- VIII. 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).

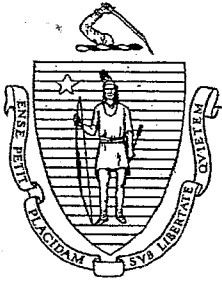
- Work with dangerous electrical machinery or appliances
- Work that is determined by the Massachusetts Attorney General to be dangerous to the health and well-being of minors
- **Work in any of the occupations or tasks prohibited for persons under age 18**

Persons under 18 years old may *NOT*:

- Drive a vehicle or forklift (except golf carts in certain circumstances)
 - Operate, clean or repair power-driven meat slicers, grinders or choppers
 - Operate, clean or repair power-driven bakery machines
 - Work 30 feet or more above ground or water
 - Handle, serve, or sell alcoholic beverages
 - Use circular or band saws, or guillotine shears
 - Use power-driven woodworking machines
 - Use hoisting machines
 - Operate paper balers, paper box compactors, or other power-driven paper products machines
 - Use power-driven metal-forming, punching, or shearing machines
 - Use buffing or polishing equipment
 - Manufacture brick, tile, or kindred products
 - Manufacture or store explosives
 - Work in excavation, wrecking, demolition, or shipbreaking
 - Work in logging, sawmilling, or mining
 - Work slaughtering, packing, or processing meat
 - Work in railway operations
 - Work in roofing or on or about a roof
 - Work in foundries or around blast furnaces
 - Work manufacturing phosphorus or phosphorus matches
 - Work where they are exposed to radioactive substances
 - Work as a firefighter or engineer on a boat
 - Oil or clean hazardous machinery in motion
-
- Work in any job requiring the possession or use of a firearm*

Legal Work Hours for Teens in Massachusetts

Note: After 8:00 p.m., all minors must have the direct and immediate supervision of an adult supervisor who is located in the workplace and is reasonably accessible to the minor, unless the minor works at a kiosk, cart or stand in the common area of an enclosed shopping mall that has security from 8:00 p.m. until the mall is closed to the public.*



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

FAIR LABOR DIVISION
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

YOUTH EMPLOYMENT LAWS

Minimum wage. The minimum wage in Massachusetts is \$8.00 an hour.

Minors under the age of 14 cannot work. There are a few exceptions, such as babysitting, working as a news carrier, working on farms, or working in entertainment (with a special permit).

Work permits. Minors (ages 14 to 17) need a work permit to work in Massachusetts. For work permit applications, visit www.mass.gov/dos.

Hazardous Jobs. Teens under 18 years of age are prohibited from certain dangerous or hazardous occupations, industries, and tasks. For a list of prohibited occupations for minors 14-15 and 16-17 years of age, please visit the Attorney General's Office website at www.mass.gov/ago/youthemployment.

Supervision. After 8:00 p.m., all minors must have the direct and immediate supervision of an adult supervisor who is located in the workplace and is reasonably accessible to the minor, unless the minor works at a kiosk, cart or stand in the common area of an enclosed shopping mall that has security from 8:00 p.m. until the mall is closed to the public.

LEGAL WORK HOURS FOR MINORS

14- and 15-Year-Olds.

Work hours:

During the school year:

Only between 7:00 a.m. and 7:00 p.m.

Not during school hours

During the summer (July 1 to Labor Day):

Only between 7:00 a.m. and 9:00 p.m.

Maximum hours:

When school IS in session:

18 hours per week

3 hours per day on school days

8 hours per day on weekends and holidays

6 days per week

When school IS NOT in session:

40 hours per week

8 hours per day

6 days per week

16- and 17-Year-Olds.

Work hours, year-round:

Between 6:00 a.m. and 10:00 p.m. on nights preceding a regularly scheduled school day. (If the establishment stops serving customers at 10:00 p.m., the minor may be employed until 10:15 p.m.)

Between 6:00 a.m. and 11:30 p.m. on nights not preceding a regularly scheduled school day.

(Except in restaurants and race tracks until midnight.)

Maximum hours, year-round:

48 hours per week

9 hours per day

6 days per week

For more information, visit...

www.laborlowdown.com

www.mass.gov/ago/youthemployment

14 and 15 Year Olds

Work Hours

Only between 7 a.m. and 7 p.m. during the school year

Not during school hours

Only between 7 a.m. and 9 p.m. during the summer
(from July 1 through Labor Day)

Maximum Hours When School Is in Session

18 hours a week

3 hours a day on school days

8 hours a day Saturday, Sunday, holidays

6 days a week

Maximum Hours When School Is Not in Session

40 hours a week

8 hours a day

6 days a week

16 and 17 Year Olds

Work Hours*

Only between 6 a.m. and 10 p.m. (on nights preceding a regularly scheduled school day) – if the establishment stops serving clients or customers at 10:00 p.m., the minor may be employed until 10:15 p.m.

Only between 6 a.m. and 11:30 p.m. (on nights not preceding a regularly scheduled school day).

Exception for restaurants and racetracks: only between 6 a.m. and 12:00 midnight (on nights not preceding a regularly scheduled school day).

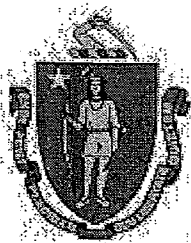
Maximum Hours of Work – Whether or Not School is in Session

48 hours a week

9 hours a day

6 days a week

* Indicates a change MA Child Labor Laws, effective date January 3, 2007.



The Commonwealth of Massachusetts
Division of Occupational Safety
399 Washington Street, 5th Floor
Boston, MA 02108

Employment Permit Application for 14 through 17 Year-Olds

If you are under 18 years of age, you must obtain a work permit before starting a new job.¹ M.G.L. c. 149, §§86-89. The following are the steps you should take; please note that a Physicians Certificate of Health is required only of 14 and 15 year-olds.

Steps for Getting an Employment Permit

1. Obtain a job offer from an employer.
2. Ask the employer to complete the following section:

Promise of Employment

Name of Minor:	
Name of Employer: <i>Town of Franklin - Recreation Dept.</i>	
Business Address:	
Job Title & Primary Duties:	
Number of Hours per day Minor is to be Employed:	
The undersigned agrees to employ this minor as stated above and in compliance with state law. A summary of laws governing minors' hours of work and hazardous occupations can be found at the end of this application form.	
Signature of Employer or Authorized Agent	Date

3. **For 14 and 15 year-olds only (16 and 17 year-olds may skip this step):** Ask your doctor to complete the following section:

Note: The following Certificate of Health must be signed **within 12 months** of the date this application is presented to the school official issuing the permit.

¹ Minors who are 17 years of age, who can show documented proof of a high school diploma or the equivalent to the school official authorized to issue work permits, do not need a signed work permit, but must still complete this permit application.

Physician's Certificate of Health

I hereby certify that I have made a thorough physical examination of the following named 14 or 15 year-old minor:

and that, in my opinion, said minor is in sufficiently sound health and physically able to perform the work indicated above. **A summary of laws governing minors' hours of work and hazardous occupations can be found at the end of this application form.**

Signature of Physician

Date

4. Ask your parent, guardian, or custodian to sign below.

I hereby approve the issuance of a permit for the work indicated above. **A summary of laws governing minors' hours of work and hazardous occupations can be found at the end of this application form.**

Name of Parent, Guardian, or Custodian

Signature of Parent, Guardian, or Custodian

Date

5. Sign this application below:

Signature of Minor

Date

6. Take this completed form to the Superintendent of Schools, or the person your school has authorized to issue Work Permits, in the school district where you live or in town where you attend school. You should bring with you proof of your age, such as your birth certificate, passport, or immigration record. The Superintendent, or his or her authorized agent, will then issue you an Employment Permit.

7. Bring the signed employment permit back to your employer who must keep it until you leave the job.

Summary of Massachusetts² Laws Regulating Minors' Work Hours and Occupation Restrictions

Prohibited Jobs (Hazardous Orders)

Persons under 14 may not work: There are a few exceptions to this such as working as news carriers, on farms, and in entertainment (with a special permit).

Persons under 16 years old may *NOT*:

- Operate power-driven machinery (except office machines or machines in retail or food service not otherwise prohibited)
- Cook (except on electric or gas grills that do not have open flames)
- Operate fryolators, rotisseries, NEICO broilers, or pressure cookers
- Operate, clean or repair power-driven food slicers, grinders or choppers
- Perform any baking activities
- Operate microwave ovens (except to heat food in microwave ovens with a maximum capacity of 140 degrees Fahrenheit)
- Clean kitchen surfaces that are hotter than 100 degrees Fahrenheit
- Filter, transport, or dispose of cooking oil or grease hotter than 100 degrees Fahrenheit
- Work in freezers or meat coolers
- Work in a manufacturing facility (e.g., a factory)
- Work on ladders or scaffolds
- Work in garages, except dispensing gas and oil
- Work in brick or lumber yards
- Work in amusement places (e.g., pool or billiard room, or bowling alley)
- Work in barber shops
- Work in construction, transportation, communications, or public utilities (except doing clerical work away from heavy machinery off the job-site)
- Work in warehouses (except doing clerical work)
- Load or unload trucks, railroad cars, or conveyors
- Wash windows in public or commercial buildings if the window sill is more than 10 feet above the ground
- Work doing laundry in a commercial laundry or dry cleaning establishment
- Work as a public messenger
- Work at processing operations (e.g., in meat, fish, or poultry processing or cracking nuts, bulk or mass mailing)
- Work around boilers or in engine rooms
- Do industrial homework

² This is a compilation of state and federal child labor laws. The most protective laws are presented here and apply to all employers of teens including parents who may employ their children. There are additional regulations in this area not summarized here and some exceptions for employers in agricultural industries. Questions about the state child labor laws should be directed to the Massachusetts Office of the Attorney General, Fair Labor and Business Practices Division (617-727-3465). Questions about federal child labor laws should be directed to the U.S. Department of Labor, Wage and Hour Division (617-624-6700).