



TOWN OF YARMOUTH

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Telephone (508) 398-2231, ext. 1271, Fax (508) 398-2365

TOWN
ADMINISTRATOR
Robert L. Whritenour, Jr.

DIRECTOR OF
HUMAN RESOURCES
Sarah O'Reilly

Notice of Meeting

Name of Committee or Board: Personnel Board

NOTE: THIS IS BOTH AN IN-PERSON AND REMOTE PARTICIPATION MEETING

Pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law G.L. 30A, § 18, and the June 16, 2021 Act extending certain COVID-19 measures adopted during the State of Emergency until April 1, 2022, this meeting will be conducted both in person and via remote participation.

Introduction to Remote Meeting:

This Open Meeting of the Personnel Board is being conducted remotely
Via the Zoom Application as well as in-person at Yarmouth Town Hall.

If you wish to participate remotely, you may join in by using the following link:

<https://us02web.zoom.us/j/88646365299?pwd=WWEyNVZLbkVwclpTZmdnUEwyU3VNdz09>

Meeting ID: 886 4636 5299

Passcode: 300417

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Notice of Meeting

Name of Committee or Board: Personnel Board

Date of Meeting: March 21, 2022

Time: 4:00 pm

Place: Yarmouth Town Hall, Conference Room B

Agenda Items:

- I. Public Comment
- II. February 15, 2022 Meeting Minutes Review and Approval
- III. Park and Cemetery Foreman review, grading and possible vote
- IV. Park and Cemetery Supervisor review, grading and possible vote
- V. Personnel Policy guidelines review – next steps
- VI. Staff and/or Chair business
- VII. Personnel Board proposed Meeting: Tuesday, April 12, 2022
- VIII. Adjourn

MINUTES OF MEETING
February 15, 2022, 4:00 p.m.
Yarmouth Town Hall – Room B

Members present: Betty-Jane Burkhardt, Chair, Sharon Ladley, Vice-Chair, Dianne McElroy

Absent: Brian Gardiner

Others present: Sarah O'Reilly, Director of Human Resources, Roby Whitehouse, Assistant Director Public Works, Scott Gilmore, Director of Golf Operations

The meeting was called to order by Chairman Burkhardt at approximately 4:10 p.m. Roll call was taken.

Minutes

The minutes for the December 14, 2021 meeting were reviewed and a motion was made by Ms. McElroy to approve the minutes, seconded by Ms. Ladley. The December 14, 2021 minutes were unanimously approved.

The minutes for the January 11, 2022 meeting were reviewed and a motion was made by Ms. Ladley to approve the minutes, seconded by Ms. McElroy. The January 11, 2022 minutes were unanimously approved.

Provisional Snow and Ice Truck Driver

A request was reviewed by Roby Whitehouse to update the miscellaneous compensation and increase the Provisional Snow and Ice Truck Driver provisional compensation range to \$25-\$30/hour. The Town has been successful in having retirees return and work in this role as provisional employees and this will allow the Town to retain this talent. Additionally, it is more appropriate to compensate from the miscellaneous compensation schedule vs. step/grades. A motion was made by Ms. McElroy, seconded by Ms. Ladley to replace the listed rate of \$13.50./hour with the new range of \$25-\$30/hour and this was unanimously approved by roll call vote.

Park and Cemetery Supervisor

The request for job description edits was presented by Assistant Director of Public Works Roby Whitehouse. After some discussion, it was decided that this position review be held in order to review the correct number of FTEs that report to this position. This will be clarified and the job description placed on the March agenda.

Park and Cemetery Foreman

In light of the above, this job description was held to allow the Department time to clarify the supervisory responsibilities as well and confirm that the responsibilities between parks and cemeteries is clear.

Head Golf Professional:

The Head Golf professional (formerly Golf Course Operations Manager) job description was reviewed. Ms. McElroy made a motion, seconded by Ms. Ladley and a roll call vote was taken and the members voted 3-0 to approve the position of Head Golf Professional at a Grade 21 with the following ratings:

Head Golf Professional								
Factor #	Degree	Points	Factor #	Degree	Points	Factor #	Degree	Points
1	4	60	7	3	50	13	XXXX	XXXXXX
2	4	60	8	2	15		2	XXXXXX
3	3	50	9	2	15	14A.	2	15
4	5	60	10	1	5	14B.	1	10
5	3	20	11	2	15	14C.	2	15
6	3	60	12	2	10	TOTAL		460

GRADE	21
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Golf Operations Supervisor:

The Golf Operations Supervisor (formerly entitled Golf Operations Assistant/Marketing Coordinator) job description was reviewed. After some discussion, it was recommended that in the supervision section, the last sentence be reworded to say, Supervises up to 4 FTE's including twenty seasonal employees. Additionally, in the sixth paragraph of the Essential Functions, the first sentence should read, "cross trains with other Operations Supervisor..." Ms. Ladley made a motion, seconded by Ms. McElroy and a roll call vote was taken and the members voted 3-0 to approve the position of Golf Operations Supervisor at a Grade 9 with the following ratings:

Golf Operations Supervisor								
Factor #	Degree	Points	Factor #	Degree	Points	Factor #	Degree	Points
1	4	60	7	2	25	13	XXXX	XXXXXX
2	3	45	8	1	5		3	XXXXXX
3	3	50	9	1	5	14A.	1	5
4	3	30	10	1	5	14B.	1	5
5	3	20	11	1	5	14C.	2	10
6	2	40	12	2	10	TOTAL		320
							GRADE	9

Golf Foreman

The Golf Foreman (previously entitled Golf Course Tech 3) was reviewed. After some discussion, Ms. Ladley made a motion, seconded by Ms. McElroy to approve the Golf Foreman position with the following ratings:

Golf Foreman								
Factor #	Degree	Points	Factor #	Degree	Points	Factor #	Degree	Points
1	3	40	7	3	50	13	XXXX	XXXXXX
2	3	45	8	3	30		-	XXXXXX
3	1	10	9	3	30	14A.	-	-
4	3	30	10	3	30	14B.	-	-
5	1	5	11	3	30	14C.	-	-
6	2	40	12	-	-	TOTAL		340
							GRADE	9

Golf Spray/Irrigation Technician

The Golf Spray/Irrigation Technician (previously entitled Golf Course Tech 2) was reviewed. After some discussion, Ms. McElroy made a motion, seconded by Ms. Ladley to approve the Golf Spray/Irrigation Technician position with the following ratings:

Golf Spray/Irrigation Technician								
Factor #	Degree	Points	Factor #	Degree	Points	Factor #	Degree	Points
1	3	40	7	2	25	13	XXXX	XXXXXX
2	3	45	8	3	30		-	XXXXXX
3	1	10	9	3	30	14A.	-	-
4	3	30	10	3	30	14B.	-	-
5	1	5	11	3	30	14C.	-	-
6	2	40	12	-	-	TOTAL		315
							GRADE	8

It was announced that Ms. Alice Bowen has resigned her position on the Personnel Board. Sarah will follow up with Pam regarding next steps for appointments chair to fill this position on the Board.

The next meeting was confirmed for March 8, 2022 at 4:00pm and will be a hybrid meeting both virtually on Zoom and in person at Yarmouth Town Hall.

A motion was made by Ms. Ladley to adjourn, seconded by Ms. McElroy, which was unanimously approved and the meeting was adjourned at approximately 5:35 p.m.

Respectfully submitted,

Sarah O'Reilly
Director of Human Resources, Town of Yarmouth

SO

March 8, 2022 ~~March 23, 2015~~

PARKS & CEMETERIES SUPERVISOR (Town of Yarmouth, Massachusetts)

Definition

Administrative, and supervisory work directing a comprehensive municipal program in the care and maintenance of town parks, cemeteries, and recreational facilities.

Performs responsible duties requiring considerable initiative and independent judgment in the development, promotion, planning, and execution of community park services and cemetery operations, including the oversight of grounds and facilities and the supervision of personnel.

Supervision

Works under the administrative direction of the [Assistant Public Works Director](#) ~~of Parks & Recreation~~.

Supervises directly, or through subordinates, 9 FTE, including 7 year round full time employees full-time and approximately 25 seasonal employees, ~~representing an estimated 7 year round, full-time equivalents.~~

Job Environment

Work is sometimes performed under typical office conditions; frequently works outdoors; some exposure to unpleasant working conditions related to outdoor and/or maintenance functions; some evening and weekend hours required.

Operates light truck, power equipment, hand tools, telephone and standard office equipment such as computer, copier and facsimile machine. Operates heavy equipment such as trucks, loaders backhoes and excavators.

Makes frequent contacts with the general public, town departments, vendors, local and civic organizations and governmental agencies.

Has access to department-related confidential information; work involves some exposure to personal information about citizens and family situations, particularly in regard to the health and safety of minors participating in departmental programs and the financial issues of families interring their departed.

Errors could result in unsafe conditions for program participants, mismanagement of programs, facilities and finances; adverse public relations and reduced levels of service to the community.

Essential Functions

Assists ~~Director~~ in overseeing the maintenance and care of the town parks, beaches, cemeteries, public lands and recreational facilities. Prepares short-term and long-term work plans for the two Foremen and their respective work crews. Assists ~~Director~~ with budget development; responsible for expenditures within approved budget.

Supervises parks labor force engaged in the maintenance of parks and public lands. Supervises cemeteries labor force engaged in maintenance and burials in town-owned cemeteries.

Schedules and assigns work crews to carry out maintenance and repairs of town parks, cemeteries and grounds including full-time and seasonal staff. May supervise private contractors during snowstorms.

Responsible for recruitment and selection of seasonal employees. Oversees training and promotes professional development of subordinate employees; provides performance feedback to employees including routine verbal communication and formal, written evaluations and disciplinary notices as appropriate.

Serves as a resource to Foreman for addressing personnel issues and problem solving generally. Expected to refer only the most difficult situations to supervisor.

Operates heavy equipment as needed for construction and repair of Town facilities as well as snow removal.

Administers the daily and seasonal beach ticket sales (annual revenues in excess of \$250,000 per year); oversees deposit of all monies received and tickets issued.

Advises the Assistant DPW Director on needed equipment; prepares cost estimates of construction and maintenance projects. Purchases services, materials and supplies for parks function in compliance with state and local purchasing requirements.

Inspects the work performed by ~~the department~~ staff and by independent contractors to ensure that work is performed satisfactorily.

Works with volunteer organizations in a variety of social and athletic endeavors and special projects relating to municipal parks and recreation.

Installs dock and floats.

Performs mechanical repairs and maintenance to vehicles and equipment.

~~Acts in the absence of the Supervisor Director on matters pertaining to Parks and Cemeteries.~~

Authorized to issue parking tickets for beach parking violations.

Supports the goals of the ~~Parks and Recreation Division~~ Public Works and the Town of Yarmouth through creative problem solving, decision making, a commitment to customer service, and by taking initiative to improve the efficiency and effectiveness of the Department. Provides instruction and mentoring to subordinate employees. Provides advice and support to supervisors.

Performs similar or related work as required or the situation dictates.

Recommended Minimum Qualifications

Education:

High school graduation required, bachelor's degree in park management or a related field preferred;

Experience:

Five years progressively responsible experience in park management, preferably in a municipal setting; or any equivalent combination of education and experience.

Special Requirements:

MA Class B Commercial Driver's License and Class 2B Hoisting License required. Must be able to be bonded.

Knowledge, Ability and Skill:

Thorough knowledge of the methods and material in the care and maintenance of parks, cemeteries, public lands and recreational facilities. Knowledge of financial planning and personnel management. Familiarity with the municipal budgeting process.

Ability to deal effectively and diplomatically with government agencies, town employees and the general public; ability to supervise and evaluate the work of employees and contractors;. Ability to deliver quality results within time constraints by planning and scheduling workforce and monitoring results.

Skill in communicating with staff, vendors, and the public; skill in the use and repair of equipment used in parks and cemetery maintenance.

Physical Requirements:

Minimal physical effort required for work performed in the office. Moderate to heavy effort required periodically in the field. Occasionally required to spend several hours standing, walking, reaching arms. Must have the ability to judge distances and spatial relationships. Vision and hearing correctible to normal range. Position requires ability to operate a vehicle, heavy equipment and a keyboard.

March 8, 2022
Grade April 15, 2015

PARKS AND CEMETERIES FOREMAN
(Town of Yarmouth, Massachusetts)

Definition:

Manual, supervisory and administrative work of a participatory nature in the maintenance of municipal parks and cemeteries; all other related work as required.

Performs duties of a routine and varied nature requiring independent judgment in the assignment of personnel, setting work priorities, problem solving and in the operation and maintenance of a variety of park and cemetery equipment and facilities. Refers unusual matters to supervisor.

Supervision:

Works independently under the general direction of the Parks & Cemeteries Supervisor.

Supervises ~~approximately two to up to 5~~ five FTE full-time, including 4 year round full time employees and approximately 15 ~~and from three to fifteen or more~~ seasonal employees ~~or as provided in individual position sections below.~~

Job Environment:

Some work is performed in the field under variable weather conditions; Some work in the field is suspended during inclement weather; Work includes exposure to personal injury from working near moving mechanical parts; some work is performed in typical office setting; nature of work may require weekend and evening duty.

Operates a variety of parks and cemetery equipment including large trucks and heavy equipment and numerous types of hand and power tools. Operates a computer.

Makes frequent contact with the department of public works on park and cemetery related matters, vendors, utility companies, and the general public and funeral directors; contacts require the ability to work harmoniously with others and to furnish or obtain routine information in a manner requiring tact and courtesy.

Errors could result in delay or loss of services, adverse public relations, monetary loss to the town and cause damage to persons and property.

Essential Functions:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)

Acts as a work leader for crews engaged in park and cemetery maintenance projects in the Town's parks, beaches, playgrounds and municipal cemeteries. Performs a variety of skilled and manual

tasks working alongside crew. Inspects the works performed by department staff and by independent contractors to ensure that work is performed satisfactorily.

Operates vehicles and equipment in connection with grounds and facility maintenance and improvement activities including grounds, athletic fields, roadways, water lines, sprinkler systems, fences, buildings, docks, etc; supervises work crews engaged in the same activities. Provides direction and instruction to work crews; provides verbal performance feedback to employees; provides input to Parks & Cemeteries Supervisor for written performance evaluations and discipline.

Inspects, supervises, and maintains assigned areas, including the repair of vehicles, equipment and buildings, fences and facilities and general maintenance and improvements; purchases supplies and replacement parts as required.

Responds to requests for assistance or supplies from the Division staff, and patrons. When unusual or difficult situations arise, identifies potential solution and consults with supervisor before taking actions that may not conform with policy or past practice or which may have significant impact on public relations.

Determines what equipment and supplies are needed and prepares cost estimates on maintenance and construction. Purchases much of the departmental materials and supplies.

Operates trucks with plows, or other equipment consistent with the licenses required in this job description, under the supervision of assigned Public Works supervisor during snow events.

Provides input to Parks and Cemeteries Supervisor on evaluations of employees and in hiring of seasonal staff.

Maintains awareness of budget and year-to-date expenditures. Alerts supervisor of unanticipated costs. Investigates new methods for accomplishing assigned tasks in order to improve facility conditions or reduce costs.

Supports the goals of the [Public Works Parks and Recreation Division](#) and the Town of Yarmouth through creative problem solving, decision making, a commitment to customer service, and by taking initiative to improve the efficiency and effectiveness of the Department. Provides instruction and mentoring to subordinate employees. Provides advice and support to supervisors.

Performs similar or related work as required or as situation dictates.

Recommended Minimum Qualifications:

Education and Experience:

High school graduation or equivalent; three years experience in the operation, supervision and maintenance of parks and cemeteries; or any equivalent combination of education and experience.

Knowledge, Ability and Skill:

Thorough knowledge of the materials methods and techniques of grounds and cemetery maintenance. Through on the job learning, gains thorough knowledge of local, state and federal law applicable to parks and cemetery operations.

Ability to supervise subordinates. Ability to deliver quality results within time constraints by assigning and working alongside personnel and monitoring results.

Skill in communicating with staff, vendors, and the public; skill in the use and repair of equipment used in parks and cemetery maintenance.

Special Requirements:

- Class D Motor Vehicle Operator's License
- Class B Commercial Driver's License
- Class 2A Hoisting License
- Additional certification in equipment repair and maintenance is preferred.

May be assigned to either Cemetery or Parks as needed for a given season, day, or partial day.

Cemetery Division Assignment:

The foreman has direct responsibility for the day to day administration, operation and maintenance of the cemeteries. Works with the ~~Director of Parks and Recreation and~~ Parks & Cemetery Supervisor to develop long term plans and goals for cemetery operations.

Schedules and assigns crews to maintain all cemeteries. Keeps a written record of work accomplished, costs and manpower requirements. Supervises the hazardous waste management program at the Cemetery Workshop.

Assists the ~~Administrative Supervisor~~ with the selling burial lots to the public.

Plans for funerals including the layout of new lots, monuments installation and the location of grave sites for gravediggers to install liners and vaults for each funeral.

~~Supervises one full-time and several seasonal employees within the cemetery division.~~

May be required to supervise daily work of Parks employees.

Park Division Assignment:

Spends substantial time in the field completing and coordinating repairs, vandalism control, facility improvements, grounds care, tree work, rubbish and litter control and vehicle maintenance.

In the absence of the Parks & Cemeteries Supervisor, may be assigned to: handle accounting and distribution of beach stickers and tickets, handle substantial amounts of money, make deposits, exercises judgment on questions of division policy. Frequent contacts with the police for support and assistance during the summer beach operations.

Handles the hazardous waste inspection, maintenance of storage facilities and record keeping and documenting of weekly and monthly reports.

~~Supervises 5 year round employees and up to 15 seasonal employees in the absence of the Parks & Cemeteries Supervisor.~~

May be required to supervise the daily work of Cemetery employees.

Physical Requirements:

Constant moderate physical effort generally required to perform work in the field. Frequent bending, standing and walking. Frequently required to move (push, pull, lift or carry) objects weighing up to 50 pounds. Frequently required to operate hand tools, heavy equipment and hydraulics requiring manual dexterity. Must have the ability to judge distances and spatial relationships. Vision and hearing must be correctible to normal range.

(This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.)

TOWN OF YARMOUTH
PERSONNEL POLICY GUIDELINES

adopted: 6/15/82 (4-0-1)

updated: 09/84
08/85
12/87
01/89
12/11/90 (5-0)
12/10/91 (5-0)
07/14/92 (3 separate votes)(5-0 each)
3/18/97 (5-0)
1/29/98 (4-0)
6/21/99 (4-0)
8/30/00 (5-0)
5/1/01 (5-0)
7/18/02 (5-0)
7/14/2004 (5-0)
2/28/2006 (4-0)
5/23/2006 (5-0)
10/18/2007 (4-0)
05/17/2012 (4-0)
8/22/2013 (5-0)
3/20/2014 (3-0)
4/15/2015 (5-0)
Add 1/11/2022

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- Attachment #3 Family and Medical Leave Act
- Attachment #4: Workplace Violence Policy
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I. Preface

Personnel are a key resource in the delivery of services by a municipality. The town's Personnel Board should be used to full capacity for all topics, questions and areas of personnel management. The Personnel Board should be a viable group of individuals with interest and proficiency in personnel management.

These policy guidelines are meant to be flexible within the boundaries of effective and responsive management. The needs of both the municipality and the employee must be considered while administrating these guidelines.

Many areas are appropriate for study such as the need for new positions, evaluation of existing positions, study of manpower deployment, & evaluation of positions in relationship to workloads and salaries. (12/90)

With the acceptance of these ideas and the set of proposed Personnel Policy Guidelines, Yarmouth establishes a viable employee-employer interaction resulting in the efficient delivery of services.

This personnel policy is not to be intended as and is not to be construed in any way as a binding contract or an offer to enter into a binding contract between the town and any town employees. It is merely a statement of general policy and does not create any contractual liability on the part of the town; nor does it preclude any benefit or condition becoming effective whether or not specifically listed, as long as such condition or benefit already applies to another employee group. It may be amended at any time by the town without any liability to any town employee or employees. All town employees, unless otherwise specified in a written contract or collective bargaining agreement are employees at will and their status as such is not affected in any way by this personnel policy. (12/90)

II. Personnel Board

Section 1: Establishment of the Personnel Board

(a) The Board of Selectmen shall appoint a Personnel Board consisting of five members for three (3) years each so that no more than two members' terms expire in any one year (one member recommended from the Finance Committee).

(b) No member shall receive compensation from or be an employee of the town.

(c) The Board shall meet immediately following its annual appointment(s) and organize by electing a chairman and a vice-chairman.

(d) If any member of the Personnel Board vacates their position the Selectmen shall fill the vacancy within 90 days by appointing a member to fill the unexpired term.

(e) A majority of the board shall constitute a quorum for the transaction of business. The votes

of a majority of the quorum shall be necessary when acting on any of the authorized and listed duties.

(f) The board shall meet at least annually, or as needed. (10/96)

(g) Any board member who does not attend three scheduled meetings, without an excuse, shall resign from the Personnel Board.

Section 2: Duties of the Personnel Board

The board shall recommend to the Selectmen:

(a) The establishment of policies, procedures, and regulations as it deems necessary for the administration of the plan.

(b) The appropriate position classification for all existing and new positions on the basis of job content.

(c) The appropriate content and format of all job descriptions.

In addition, the board shall:

(a) Make an annual report in writing to the Board of Selectmen for publication.

(b) Assume any other related duties assigned by the Board of Selectmen.

III. Miscellaneous

Section 1: Administration of Personnel Policy Guidelines

(a) The office of the Town Administrator shall be responsible for the administration of these Personnel Policy Guidelines.

(b) The Town Administrator or his/her designee shall be directly responsible for the implementation of the Personnel Policy Guidelines.

Section 2: Pay Increases

(a) Step rate increases

1. Employees in positions for which step rates are provided may be considered for an increase in compensation to the next higher step rate within ~~their~~~~his/her~~ compensation grade for satisfactory performance effective on the anniversary of appointment to their current position of each calendar year when they have completed one year at minimum step (Step One) and one year at each intermittent step unless otherwise authorized by the Town Administrator.

2. The department head or the responsible elected or appointed authority having jurisdiction over an employee about to be eligible or at any time after eligibility, shall submit a written recommendation to the Town Administrator or ~~their~~his/her designee requesting said increase be granted. The increase shall be granted in accordance with said recommendation unless the Town Administrator or ~~their~~his/her designee finds there is just cause to disapprove the request within thirty days of receipt.

3. In the event that a department head or an elected or appointed authority has failed to recommend an employee for a step rate increase, the Town Administrator or ~~their~~his/her designee may, upon the request of the employee or supervisor, and upon determination that no reasonable grounds exist for failure to recommend a step rate increase, grant such an increase in the absence of a recommendation.

(b) Merit Pay Increases

1. Employees in positions for which a salary range is provided may be considered for an increase in compensation effective on the date of their anniversary or appointment to their current position provided they have received a satisfactory performance review.

2. Where department heads, after computation of their annual evaluation is completed, and the evaluation score places the individual within ½ of a percent of the top of their pay range, that person will then receive whatever remainder is due to bring them to the top of their range. (9/87)

(c) Performance evaluations

1. No employee shall receive a pay increase (except for inflation adjustments) without first receiving a written performance evaluation using a form approved by the Town Administrator or ~~their~~his/her designee.

2. Employees may be reviewed for performance more often than annually but shall be reviewed for performance at least annually.

3. Evaluation forms shall be developed and revised periodically by the Town Administrator or ~~their~~his/her designee.

4. The Town Administrator's office shall establish guidelines for rewarding or disciplining the various levels of performance.

5. The supervisory authority completing the performance evaluation will report and recommend appropriate action for all levels of work performance.

6. In no case shall any employee be paid at a rate above the maximum point of the established salary range for ~~their~~his/her position, unless extenuating circumstances are present and confirmed by the Town Administrator.

(d) Reclassification

Employees covered under these guidelines, may at any time apply for reclassification to the Personnel Board, provided that the employee notifies the employee's department head of the application. (9/87) Employees may only reapply for reclassification under this section after three (3) years from the date of their first application. The Town Administrator, or their designee, may initiate a second classification review at any time. (1/22)

Section 3: Work Week

(a) The work week for employees occupying full-time or seasonal positions shall be established by the respective board, commission, or department head having jurisdiction over the position with the approval of the Town Administrator or ~~their~~his/her designee.

(b) The work week for clerical employees who occupy full-time positions shall be 37 ½ hours with the possible exception of Police and Fire. (9/87) Employees may work 40 hours per week based upon need, budget, and the employee, department head and Town Administrator's approval.

(c) Department Heads, with the approval of the Town Administrator, may alter work schedules allowing employees to work, on a temporary basis, hours other than the normal 8:30 - 4:30 schedule. Employees must, however, work a minimum of 37.5 hours per week or 40 hours per week depending upon their classifications. The granting or denial of flexible hours is not grievable or arbitrable and offices may not be without staff during normal business hours, currently 8:30 a.m. to 4:30 p.m. (1/89)

(d) Employees receive a 30-minute lunch break (10/96).

Section 4: Payroll Administration:

Direct Deposit – All non-union employees shall receive their paychecks via direct deposit in order to expedite deposit of checks into employee accounts and minimize the Town's transaction costs.

Employees who are given a Town email address to carry out their official duties shall be required to receive their wage statements via email rather than paper pay stubs.

The Town shall comply with applicable IRS regulations with respect to payroll and issuance of W-2s.

Section 5: Employment categories:

(a) **Definitions:**

- 1) *Part-Time Benefitted Employee:* A part-time employee who customarily works at least 20 hours per week but less than 37 ½ hours per week on a year-round basis and is not classified as temporary or seasonal. Employees in this category are eligible for benefits and pay increases as provided below. (5/17/2012)
- 2) *Part-Time Retiree:* An individual who has retired and is collecting a pension from a Massachusetts municipality who customarily works less than 20 hours per week but more than 10 hours per week on a year-round basis. Such an employee may, at the discretion of the Town Administrator, be granted up to 25 days of vacation prorated based upon the employee's regular hours as a percentage of a 40 hour work week. Under MA general law Chapter 32, there are limits to the number of hours and total compensation retirees may work without a deduction to their pension.
- 3) *Part-Time Non-Benefitted Employee:* A part-time employee who may work year-round for consecutive years but customarily works less than 20 hours per week. Employees in this category are not eligible for benefits or step increases.
- 4) *Provisional Employee:* An individual classified as seasonal or temporary that does not work year-round. Some employees in this category are seasonal meaning that they do not work at all during certain months of the year. During the months that they work, seasonal employees may work 40 hours per week or more. Some temporary employees in this category work sporadic hours throughout the year but on average they work less than 20 hours per week for 52 weeks in a given year. Provisional Employees are not eligible for benefits or step increases.
- 5) *Full-Time Hourly Employee:* An employee who works at least 37.5 hours per week on a year-round basis. Full-Time Hourly employees are eligible for benefits and step increases.
- 6) *Salaried Employee:* An employee who holds a position that is exempt from overtime pay under the Fair Labor Standards Act. Full-time Salaried Employees and Part-Time Benefitted Salaried Employees, who work at least 20 hours per week on a year-round basis, are eligible for benefits and Merit Pay Increases.

(b) **Step Schedules:** Part-time Benefitted Employees whose salary is determined by a stepped salary schedule may receive an annual step rate increase subject to annual evaluation with a score of 1.76 or better. (7/97)

(c) **Range Schedules:** Part-time Benefitted employees in positions with a salary range shall be paid a pro-rata salary based on the hours worked. Employees paid in this manner may be considered for a merit increase-. (1/98)

Section 6: Hiring Rate

(a) **For Salary Range:** Employees paid in accordance with a salary range shall start at the appropriate rate in the hiring range which is between the minimum point and midpoint of the established salary range for the position unless otherwise authorized by the Town Administrator or ~~their~~his/her designee. Starting salaries shall be based on recent relevant education and experience.

(b) **For Step Rates:** Employees paid in accordance with a step rate salary range shall start at the minimum step rate of the salary range unless otherwise authorized by the Town Administrator or ~~their~~his/her designee on the basis of recent relative education and experience.

(c) Hiring rates shall be recommended by the hiring authority and approved by the Town Administrator or their designee.

Section 7: Transfers and Promotion

(a) **Promotions:** When employees are promoted to higher rated positions with a step rate salary range, they shall start at the minimum step rate of the range for such position. If their existing rate is the same or higher than the minimum rate for the new position, they shall start at the rate for the new position which is the next step above their present rate provided the new rate is at least four percent (~~5~~4%) above their previous rate. If the new rate is not ~~5~~4% above their previous rate, they shall start at the next step above their new rate. Employees may also receive one step rate increase in the range for the new position at the time of promotion if the appropriate authority recommends that the employee's qualifications and performance warrant such increases, and if the Town Administrator or ~~their~~his/her designee approves.

Newly promoted administrative employees (Schedule A) shall be paid a salary within the established range based on a recommendation of the supervisor with approval of the Town Administrator or ~~their~~his/her designee.

(b) **Transfers:** If employees are transferred involuntarily to a lower rated position they shall start at their rate in the position from which they transferred or the closest increment hereto unless such transfer is for discipline or inability to perform assigned work.

A temporary transfer is where a full-time employee fills in for an employee who has temporarily vacated a position due to sickness, vacation, leave-of-absence, etc. and/or fills a specific position authorized by the department head. Each time an employee is temporarily transferred from his classification into another classification, the employee shall receive the new classification wage for every hour worked in the new class if the wage is higher than the wage in the employee's usual class. If the new classification wage is lower, the employee will receive his usual classification wage. (12/90)

Section 8: Pay for Overtime Work

(a) **Method:** Employees are not authorized to work overtime without express prior approval of their supervisor. Overtime compensation shall be paid at one and one half (1 ½) the employee's regular rate of pay for hours worked in excess of 40 hours per week or eight hours per day.

However, if an employee does not work ~~their~~his/her regularly scheduled hours in a given week, then he/she will not be eligible for overtime worked in excess of eight (8) hours in one day. (11/95)

(b) **Dual Employment:** No permanent full-time employee shall hold any other paid position in the employ of the Town of Yarmouth, if payment for work performed in the second position creates any liability for overtime pay.

(c) **Method:** The overtime pay rate (1 ½ the regular rate of pay) shall be multiplied by the current pay for the employee. The overtime pay rate shall not be more than 1 ½ multiplied by the base pay.

(d) **Temporary Employees:** It is the policy of the Town to pay overtime to temporary employees, excluding holidays, when the position has no reasonable expectation that their regular work will exceed 40 hours in that week. If it is a regular condition of the temporary work that 40 hours will be exceeded, then the compensation will be at straight time consistent with the Fair Labor Standards Act. (12/90)

Section 9: Non-Discrimination and Sexual Harassment

(a) The town shall not discriminate in the hiring, promoting, compensating, disciplining, or terminating of any employee on the basis of the employee' race, sex, color, ancestry, national origin, age, disability, religious creed, genetics, gender, gender identity, marital status, sexual orientation or military status.

(b) It shall also be a policy of the Town of Yarmouth to discourage and take any action, which would encourage "sexual harassment" within the organization. In addition, it will also be a policy to investigate alleged sexual harassment complaints.

Sexual harassment is defined as "sexual advances, requests for sexual favors, and other like verbal, visual, or physical conduct, that result in sexual favors being expressed, or implied as a condition of employment; or which interfere with an individual's work performance or create an intimidating, hostile, or offensive environment."

The complaint procedure for sexual harassment conduct shall be made in accordance with the Town of Yarmouth Sexual Harassment Policy, Attachment #1.

Section 10: Compensatory and Professional Time

(a) Division or Department Heads may grant compensatory time off in lieu of pay for overtime hours worked. For each hour of overtime worked, the employee will accrue 1.5 hours of compensatory time.

(b) Compensatory time off must be scheduled in advance by the employee subject to the approval of the Division or Department Head. Compensatory time must be used within one year of the time being accrued. Any compensatory time not used within one year shall be paid as overtime pay at the employee's rate as of the date of payment. (10/96)

(c) Supervisors must approve of compensatory time before the time is worked and before it is taken if employee is not exempt from the provisions of the Fair Labor Standards Act. (9/87)

(d) Salaried employees of the Town of Yarmouth are not eligible for Compensatory Time. However, the Town does agree to allow Professional Time for a flexible work schedule to these employees. Such flexible schedule will allow employees to take time off from work, with notification to their Immediate Supervisors, without such time being charged against vacation or other personal time.

There shall be no formal accounting of Professional Time. Employees shall notify their Immediate Supervisors if and when time will exceed two (2) hours in order to ensure accountability to the public. Employees are encouraged to keep their own records of time worked and time taken in the event their whereabouts are questioned. (11/95)

Section 11: Holidays

(a) **Designated Holidays:** Designated holidays shall be New Year's Day, Martin Luther King's Birthday, ~~President's Day~~~~Washington's Birthday~~, Patriots Day, Memorial Day, ~~Juneteenth~~, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day. The above, plus any new holidays, will be recognized as paid holidays on the days on which they are observed within the Commonwealth of Massachusetts.

(b) **Additional Holidays:** Any additional holidays may only be granted by a 4/5ths vote of the Board of Selectmen. (7/94)

(c) If a designated holiday falls on a Saturday, it shall be observed on the preceding Friday and if a designated holiday falls on a Sunday, it shall be observed on the following Monday.

(d) Payment under the provisions of this section shall be made to full-time employees providing the eligible employee shall be on pay status on the regularly scheduled work day next ~~preceeding~~~~preceding~~ and next following each designated holiday.

(e) Effective July 1, 2002, Part-time employees who work at least 20 hours per week shall receive holiday pay on a pro-rata basis for every Town designated holiday (per Section 11(a) in accordance with the following formula:

Regularly scheduled hours per week + 37.5 hours per week X 7.5 hours per day.

Holiday pay will be paid based on the above formula regardless of an employee's scheduled hours for the day on which the holiday falls. Holiday pay will be rounded to the nearest half day. Attachment #3 lists sample results of this formula.

(f) **Compensatory Time:** Any full-time employee who performs work on a designated holiday, shall be paid at one and one-half (1 ½) times the rate established, in the form of compensatory time, for the regular work day on which such holiday occurs in addition to the amount he would

be entitled to receive under the preceding provisions of this section.

Section 12: Compensable Non-work Related Activities (9/87)

(a) Subject to the advance approval of their department head, employees may be allowed time off during working hours to renew automobile registrations, drivers licenses, licenses required by the Town for the employee's job. In the event of personal emergencies occurring on the job, meaning eye glasses and other aides necessary to perform their work, getting broken or becoming inoperative, they may be attended to on Town time.

~~(b) At the discretion of the department head, an employee's lunch break (30 minutes) may be extended no more than 10 minutes on pay day for purposes of check cashing where necessary, but employees will be expected to make every reasonable good faith effort to cash their check during lunch break or after hours.~~

Section 13: Sick Leave

(a) Accrual and Use: Full-Time and Part-Time Benefitted Hourly Employees hired before 7/1/2013 shall accrue 1.25 days of paid sick leave per month of service. Full-Time and Part-Time Benefitted Hourly Employees hired after 7/1/2013 shall accrue 1.0 day of paid sick leave per month of service. All Benefitted Salaried Employees shall accrue 1.0 day of paid sick leave per month regardless of hire date. (3/2014)

New hires shall be permitted to use accrued sick leave as soon as it is posted. Accrued sick leave shall only be used when an employee is unable to work due to injury or illness or for the employee's own medical appointments. When possible, employees are expected to notify ~~their~~his/her supervisor in advance when taking sick leave or within 30 minutes of the start of the employee's scheduled hours at a minimum.

Employees may be allowed to use sick time in quarter hour increments for planned doctor or dentist appointments with proof of the appointment submitted to the head of the employee's department. In order for an employee to take advantage of this section no abuse of sick leave shall be evident in the employee's record. All other personal time must have been expended before such a request can be made. (1/89)

(b) Minimum Hours: Permanent part-time employees who work at least 20 hours per week shall be compensated for sick leave on a pro-rata basis.

(c) Limits: There shall be no limit to the number of sick leave days an employee can accumulate under the provisions of the preceding paragraphs.

(d) Medical Certificates: When absence on sick leave is for a period equivalent to ~~five~~three (3) days or more, each employee shall file a physician's certificate of disability, signed by a regularly licensed and practicing physician, before the employee shall be entitled to compensation as herein provided. The town accountant or designee shall keep a record of all sick leave granted to such employee covered by this plan. An employee may be required to furnish a doctor's certificate for

illness of less than three (3) days if, in the opinion of the Town Administrator, there is a pattern of sick leave abuse in the employee's use of sick leave, before the employee shall be entitled to compensation as herein provided. The town shall pay for any examination required by the Town Administrator for an absence of less than three (3) days. (~~SEIUNAGE~~ A 15.03 7/97)

(e) **Other Uses:** An employee covered by this plan may use sick leave for personal and family emergencies, for not more than one day at a time with permission from the Town Administrator or ~~their~~his/her designee.

(f) 1. **Extended Illness:** If an employee takes sick leave for more than two weeks, or plans to take sick leave for more than two weeks, and if the employee's health condition qualifies as a serious health condition under FMLA law, then it will be the Town's practice to place the employee on FMLA leave as soon as it becomes aware of the qualifying health condition.

(f) 2. **Extended Illness:** If an employee's accumulated sick leave expires during an extended illness, the leave may be charged to accumulated vacation leave.

(g) **Sick Leave Pay at Separation:** Employees who provide at least two weeks advance written notice of resignation and who meet the eligibility requirements below will be paid 33% of their accrued sick leave after deducting five (5) sick leave days per year for each full year of employment up to a maximum deduction of fifty (50) days. The maximum payment under this section shall be capped at ~~\$4,2503,500~~. To be eligible for payment under this section an employee must have worked for the Town for at least three years. An employee dismissed for cause is not eligible for payment under this section. Effective date November 1, 2007.

Example:

- Employee Fuentes resigns after 8 years of employment and has accumulated a balance of 82 days sick leave.
- 8 yrs. x 5 days = 40 days sick leave.
- 82 days sick leave - 40 days = 42 days

At separation, Smith receives 33% of 42 days pay to a maximum of \$3,500.

(h) **Sick Leave Pay at Retirement:** Employees who take a superannuation retirement while employed by the Town and who provide at least one month advance written notice will be paid 33% of their accrued sick leave after deducting five (5) sick leave days per year for each full year of employment up to a maximum deduction of fifty (50) days. The maximum payment under this subsection shall be capped at ~~\$4,2503,500~~. For those active employees who provide three months advance written notice before taking a superannuation retirement the maximum payment under this subsection shall be capped at ~~\$7,5005,000~~. In the event of the death of an active employee, the maximum payment received by the employee's estate shall be ~~\$105,000~~. ~~Effective~~ May 1, 2022~~November 1, 2007~~.

The employee's most recent base daily pay rate will be used in calculating the payment under this section.

Example: Employee Smith retires after 18 years of employment and has accumulated a balance of

150 days sick leave.

- 18 yrs. x 5 days/year = more than 50; deduct 50 days sick leave.
- 150 days sick leave - 50 days = 100 days

At retirement, Smith receives 33% of 100 days pay to a maximum of \$3,500 with 1 month notice; or a maximum of \$5,000 with 3 months notice.

(i) Sick Leave Buyback During Employment: (9/87)

Employees may receive payment for a portion of the accumulated unused sick time according to the following:

1. An employee who, at the time of completion of five (5) years of continuous full time service with the Town, has accumulated at least 50 days of sick time, may sell 5 (five) of these days to the Town for $\frac{1}{2}$ (one half) of five days' pay. The 5 days sold to the Town will be deducted from the employee's total of accumulated sick days.

2. An employee who, at the completion of ten (10) years of continuous full time service with the Town, has accumulated at least 100 days of sick time, may sell 10 (ten) days to the Town for $\frac{1}{2}$ (one half) of ten days' pay. The ten days sold to the Town will be deducted from the employee's total of accumulated sick days.

3. An employee who, at the completion of fifteen (15) years of continuous full time service with the Town, has accumulated at least 120 days of sick time, may sell 10 (ten) days to the Town for $\frac{2}{3}$ (two-thirds) of ten days pay. The ten days sold to the Town will be deducted from the employee's total of accumulated sick days.

4. An employee who, at the completion of twenty (20) years of continuous full time service with the Town, has accumulated at least 140 days of sick time, may sell 10 (ten) days to the Town for ten days' pay. The ten days' sold to the Town will be deducted from the employee's total of accumulated sick days.

5. An employee who, at the completion of twenty-five (25) years of continuous full-time service with the Town, has accumulated at least 140 days of sick time, may sell then (10) days to the Town for ten (10) days pay. The ten (10) days sold to the Town will be deducted for the employee's total of accumulated sick days (7/94).

6. An employee wishing to sell sick time to the Town under the provisions of this section must give the Town written notice of the employee's intention within 30 calendar days before the applicable eligibility date, i.e., the 5, 10, 15 or 20 year anniversary date. Failure to give the proper notice will constitute a waiver of the right to sell the sick time at the particular eligibility date.

7. The maximum which can be paid to any employee under any of the above sections is \$2,500. The employee's most recent base daily pay rate will be used in calculating the payment under this section. (7/2004)

8. The sick leave buy back program outlined in Section 12i is effective July 1, 1986. Applicable employees who reach their 5, 10, 15, or 20 year anniversary of continuous full-time service on or after July 1, 1986, will be paid according to the schedule outlined above. Effective July 1, 2006, an employee who has more than 5 years continuous part-time service working on average at least 20 hours per week will be eligible for Sick Leave Buy Back as outlined in Section 12i(1-4). For the purposes of this subsection, a day will be calculated based upon the average hours worked per week divided by 5 days for the 365 days preceding the employee's eligibility date (e.g. 30hrs per week divided by 5 days = 6hrs = 1 day for a 30hr per week employee). After 25 years an employee may buy back sick time at any time, but no more than once every five (5) years under the same provisions of Section 5. (part-time added 3/2006)

(j) **Worker's Compensation:** If an employee, eligible to receive compensation under the provisions of this section, has received work~~er~~men's compensation benefits for the same period of absence, the sum paid by the Town for said period of absence, shall be the difference between the amount of the employees regular compensation paid by the Town, and the amount received by the employee by weekly work~~er~~men's compensation benefits; provided that said compensation provided by the Town shall not continue beyond the period of sick leave, which would otherwise be granted. The Town is authorized to determine and implement the formula for payment of sick leave benefits under this section. (9/87)

(k) **Conversion of Compensatory Time to Sick Leave** - see Section 10, part (d). (7/92)

(l) **Personal Day:** If an employee works six (6) months without using a sick day, then he/she will receive one additional personal day. If an employee uses more than five (5) undocumented sick days in any six (6) month period, then he/she will not be eligible for the incentive for the next six (6) month period. The six (6) month periods will be calculated as follows: January through June and July through December for a total of two six (6) month periods per year. The Town Administrator or his designee may wave this provision if it is determined that extenuating circumstances are present. (11/95)(~~SEIUNAGE~~ A 15.03)

Section 14: Drug and Alcohol Policy (12/91)

It is the policy of the Town of Yarmouth that reporting to work or working with impaired abilities, or the possession, consumption, distribution, or manufacture, of drugs or alcohol, shall be grounds for disciplinary action up to and including discharge; according to established procedures and practice contained within any and all applicable work rules throughout the town.

It is the responsibility of the town to assist the employee as much as reasonably possible through the town's Employee Assistance Program; in order that problems may be remedied prior to, or in addition to, any disciplinary action being considered. Legally defined handicaps will be dealt with in accordance with Town policy as it pertains to time off and required treatment.

Section 15: Vacation Time

(a.1.) Employees occupying a position in which benefits are available shall accrue vacation leave based on the length of service as follows:

First 12 months of service:	ten (10)
After completion of one (1) year	eleven (11) days
After completion of two (2) years	twelve (12) days
After completion of three (3) years	thirteen (13) days
After completion of four (4) years	fourteen (14) days
After completion of five (5) years	fifteen (15) days
After completion of six (6) years	sixteen (16) days
After completion of seven (7) years	seventeen (17) days
After completion of eight (8) years	eighteen (18) days
After completion of nine (9) years	nineteen (19) days
After completion of ten (10) years	twenty (20) days
After completion of eleven (11) years	twenty-one (21) days
After completion of twelve (12) years	twenty-two (22) days
After completion of thirteen (13) years	twenty-three (23) days
After completion of fourteen (14) years	twenty-four (24) days
After completion of fifteen (15) years or more	twenty-five (25) days

(a.2.) For Hourly Employees hired before July 1, 2013 only:

After completion of sixteen (16) years	twenty-six (26) days
After completion of seventeen (17) years	twenty-seven (27) days
After completion of eighteen (18) years	twenty-eight (28) days
After completion of nineteen (19) years	twenty-nine (29) days
After completion of twenty (20) years	thirty (30) days

(a.3.) For Salaried Employees hired before July 1, 2013:

Salaried Employees who accrue 25 days per year or more as of January 1, 2014, shall continue to accrue the same number of days per year for the remainder of their tenure.

Salaried Employees who accrue less than 25 days per year as of January 1, 2014, shall be eligible for vacation as provided in section 14 (a.1.).

(b) Vacation time shall be cumulative and shall accumulate on the basis of:

- a: a 260-day work-year,
- b: a five-day work-week
- c: and from January 1st of every year as follows: (7/92)

(c) **Probationary Employees:** Accrued vacation leave shall be posted monthly and immediately available for use.

(d) Part time employees who work at least 20 hours per week shall earn vacation leave on a pro-rata basis, Attachment #3.

(e) Department heads and other supervisors shall grant vacations at such time during the year that will best serve the public interest; but shall not be unreasonably denied. Preference may be given to employees on the basis of years of service. (1/89)

(f) **Severance:** Any balance of unused -vacation leave accrual remaining at separation shall be paid to the employee at their most recent base daily rate. If severance is caused by death then the unused accumulated vacation leave shall be payable to the estate or heirs of the deceased employee.

(g) **Carry Over:** No more than the number of days the employee is able to accumulate within one year of service may be carried over into the next year, unless otherwise approved by the Town Administrator or his designee to be used by March 31 of the following year.

Section 16: Bereavement Leave

(a) Each employee may be granted leave with regular pay for ~~four~~^{three} (43) days in the event of a death in the employee's immediate family. The immediate family shall be considered to include ~~parent, mother, father, spouse, wife, husband,~~ domestic partner, ~~child, son, daughter,~~ ~~sibling, brother,~~ ~~sister,~~ step-parent, step-sibling, mother-in-law, father-in-law, grandparents, grandchildren and any other relative living in the employee's household.(7/94)

(b) Each employee may be granted leave with regular pay for one (1) day in the event of the death of one of the following relatives: uncle, aunt, first cousin, nephew, niece, sister-in-law, brother-in-law, godparent, godchild, or any other person with whom the employee has a family-like relationship.

Section 17: Jury Leave

An employee called to jury duty shall receive their regular compensation for the days they serve on a jury. Any remuneration, with the exception of travel expenses, received by the employee shall be turned over to the Town Treasurer. (1/89)

Section 18: Military Leave

(a) Every employee occupying a full-time or part-time position in which the employee works a regularly scheduled number of hours per week, who is called for active duty in the armed forces of the United States shall be paid any difference in the employee's base compensation earned in a normal two week working period and the total compensation (excluding travel allowance) received by serving such duty.

(b) Payment shall be limited to a period of two weeks in any twelve month period, and shall not include payment to members of the National Guard who may be mobilized during an emergency in the Commonwealth or the United States.

(c) Employees called for active duty shall not be required to, but may use their vacation allowance for such military activity.

Section 19: Maternity Leave

(a) Regular full-time female employees shall be granted ninety (90) days leave for childbirth

provided she has completed six (6) months continuous employment with the town.

(b) An employee may be granted more than ninety (90) days leave if the request is accompanied by a physician's certificate showing need for such an extension.

(c) During maternity leave the employee may use accumulated vacation, sick and other available paid leave. (2/94)

(d) An employee on unpaid ~~maternity~~ leave will not accrue any benefits, including but not limited to, sick leave and vacation leave. Upon her return she shall be restored to her former position or one of a similar status provided there are sufficient funds, without loss of benefits or time in service to which she was entitled prior to such leave.

Section 20: Personal Leave

(a) Regular full-time employees shall receive four (4) days of paid personal leave per year, beginning July 1, to be used in part or in whole at the employee's discretion before June 30 of the same fiscal year. These days shall not be deducted from accumulated vacation or sick leave time and shall not be carried over from year-to-year.

(b) New hires shall receive a pro rata share of four personal days for the first fiscal year based on the fraction of the fiscal year worked. i.e. # of Weeks of Services divided by 52 weeks times four personal days.

(c) Employees seeking to use take personal leave are expected to provide as much advance notice as possible. The scheduling of time off ~~is~~ is subject to the approval of the Division or Department Head and shall not be withheld unless it presents an undue burden to the operations of the department.

Section 21: Injury Leave

(a) Any employee injured or disabled in the performance of duties as town employee, shall not lose accumulated sick leave days if the same is covered by Insurance coverage provided by the town.

(b) Payment for injury, return to work, or retirement on disability pension shall be in accordance with existing laws of the Commonwealth.

(c) Injury or disability which is self-inflicted shall not be considered a proper claim for leave under this section.

(d) An employee who is out on Worker's Compensation would continue to have the percentage of medical insurance paid by the town when the employee was working on their regular schedule, be paid while they are on worker's compensation. (12/90)

Section 22: Leave of Absence

Upon completion of six months of continuous employment, regular full-time employees may be granted an unpaid leave of absence without loss of their benefits not to exceed one year, if the department head and the Town Administrator find that such leave would not pose an undue hardship to the Town's ability to carry out its work. Approval or denial shall be at the sole discretion of the Town and shall not be grievable. An employee on an unpaid leave of absence will not accrue any leave benefits, including, but not limited to, sick leave and vacation time.

Section 22.5 (a): Family and Medical Leave Act

The Town acknowledges that it is subject to the provision of the Family and Medical Leave Act (FMLA). The FMLA shall not increase or decrease the length of leave available to eligible employees under the leave set for the in Sections 12, 13, 15, 16, 17, 18, 19, 20 and 21 of these Guidelines. Where an employee takes leave under one of the aforementioned Articles for a reason which would entitle an employee to leave under the FMLA, such leave will also be considered FMLA leave and will be deducted from the employee's statutory FMLA leave entitlement. FMLA leave is not cumulative and is not in addition to leaves currently available to the extent such leaves are for reasons covered by the FMLA. Alleged violations of the FMLA are not subject to Section 26 of these Guidelines.

The Family and Medical Leave Act is incorporated into the Personnel Policy Guidelines as Attachment #2. (2/94)

(a)1. Effective July 1, 2004, a non-union employee who takes an approved FMLA leave for care of a child, parent or spouse may charge such leave to sick leave provided that the employee has no more than five days credited vacation leave. This provision of the Personnel Policy Guidelines supercedes contrary provisions of the FMLA policy attached for non-union employees. (7/2004)

Section 22 (b): Small Necessities Leave

Non-union employees eligible for Family Medical Leave in accordance with Federal Law may use up to 24 hours of Sick Leave within a calendar year to:

1. Participate in school activities such as parent-teacher conferences or interviewing for a new school;
2. Accompany the son or daughter of the employee to routine medical or dental appointments;
3. Accompany an elderly relative of the employee to routine medical or dental appointments.

In order to use sick leave for the purposes described in this section, the employee must provide ~~their~~^{his/her} supervisor with at least 48 hours advance notice and the employee must submit a ~~written~~ request that briefly describes the reason for the requested leave. The employee's supervisor will then ~~approve~~^{initial} the request and attach it to the employee's time ~~record in the timekeeping system~~^{card} for that day. In the unusual situation when the employee is unable to provide 48 hours advance notice, the employee will describe the circumstances which made advance notice impossible in the written leave request and the Division Head will determine whether the circumstances justify leave without notice.

Section 23: Group Insurance

The Town shall provide contributory group health and contributory group life insurance to any eligible employee (who works regular schedule of 25 hours or more per week) pursuant to Chapter 32B, Section 2 of the Massachusetts General Laws Annotated. The premium cost of the group health, life, and accidental death and disbursement insurance is paid for on a 50/50 basis by the Town and participating employee. Participation in the group insurance plans is optional. (12/91)

If all other employee units negotiate to an increase in the percentage the Town pays for such, employees covered under these guidelines will receive the same benefit. (12/90)

Section 24: Awards Program Guidelines (9/87)

- a) The Employee Awards Program as currently constituted is designed solely for the purpose of honoring length of service to the Town of Yarmouth for full-time employees, part-time employees and contract employees as described below.

Contract employee is defined as an employee who works under a contract document, but typically receives some, if not all, benefits and is paid through the town's payroll, as opposed to an expense check. Past examples have included Housing Inspector, Hazardous Waste Inspector, Golf Pro, Sign Inspector, Sealer of Weights and Measures, etc. (12/90)

- b) Those employees who have worked for the town in a part-time capacity, with a set number of regular hours per week will be considered eligible for the awards program. The number of weekly hours must not be less than 20 hours per week. (6/99)
- c) Only those individuals currently employed by the Town will be considered; with the exception of those retiring in that given year. (12/90)
- d) If an individual who had at the time been employed by the Town, comes back to work for the Town, as long as both situations were either part-time as defined above or were full-time, all of the time working for the Town will be considered.
- e) The awards chosen will be determined by the Personnel Board. (12/90)
- f) Service awards will be given in five (5) year increments, beginning at the tenth year.
- g) It is intended that the award will be presented at a dinner honoring award recipients.
- h) The Town will follow the Massachusetts General Laws, Chapter 40, Section 5, which allows the Town to pay for the employee's participation in the dinner, but does not allow the Town to pay for any guests at the dinner.

Section 25: Medical Examination

(a) Every employee within 30 days of occupying a full-time or part-time position must be certified by a licensed practicing physician as to the employee's physical fitness to perform the duties of the position. The cost of any physical examination required by the town shall be paid by the town.

Section 26: Longevity

(a) All permanent full-time employees shall receive annual longevity payments for continuous service as follows: (1/89)

Full time salaried employees:

Length of Service Eff. 7/1/2100

5 to 10 years \$~~525.00~~425.00

10 to 15 years \$~~4~~75.00

over 15 years \$~~65~~25.00
(but not over 20)

over 20 years \$~~65~~75.00
(but not over 15)

over 25 years \$750.00
(SEIUNAGE B 201.01 7/2100)

Full time hourly employees:

Length of Service Eff. 7/1/21

5 to 10 years \$500.00

10 to 15 years \$550.00

over 15 years \$600.00
(but not over 20)

over 20 years \$675.00
(but not over 15)

over 25 years \$750.00
(SEIU A 20.01 7/21)

(b) Permanent part-time employees who work 20 or more hours per week shall receive pro-rated annual longevity payments calculated as employee's average hours per week divided by the full-time hours per week for the office or division. (7/2004)

(c) Payment shall be made in the following manner: if an employee's actual anniversary date of employment by the Town falls between December 1 and June 30, inclusive, then said payment shall be paid during the month of July; if said anniversary date falls between July 1 and November 30, inclusive, said payment shall be made in the month of December.

Payments shall be made as close as possible to the employees anniversary date. This shall apply to employees after 7/1/88. (1/89)

(c) The amount due under this article shall be computed as of the anniversary date of the employee.

Section 27: Professional Development

(a) Educational Courses

The town may provide 100% reimbursement of tuition and registration fees for job related educational courses for permanent full-time employees contingent on the following:

1. The employee must have worked on a full-time basis at least six (6) months prior to starting the course;
2. The employee must have the approval of the department head or supervisor prior to registering for the course;
3. A passing grade must be achieved;
4. The employee must remain with the town on a full-time basis at least six (6) months after the completion of the course;
5. Availability of funds for the course;
6. Attendance of the course does not require time off from the job which adversely affects the operation of the department.

(b) Interstate seminars, training programs, and mini courses.

The town may provide 100% reimbursement of program registration, travel (if outside of Barnstable County), and room and board for job related seminars, training programs, and other courses contingent upon the following:

1. The employee must have the approval of the department head or supervisor prior to registering for the course;
2. Availability of funds;
3. Attendance of the course does not interfere with the operation of the employee's department.

Section 28: Grievance Procedure

(a) A "grievance" is any dispute between an employee and the appointing authority arising out of an exercise of administrative discretion.

(b) Step One: Any employee who feels aggrieved should discuss the matter with ~~their~~his/her supervisor as a mutual effort to resolve any problems or misunderstandings.

(c) Step Two: If two weeks after such a conference, a satisfactory understanding and solution of the problem has not been reached, then either the supervisor or employee may take the matter to the Division Head. If the employee's direct supervisor is the Division Head, the matter may be brought to the Department Head at Step Two.

(d) Step Three: If the matter is not resolved at Step Two within 30 calendar days, the aggrieved employee may submit a written grievance to the Assistant Town Administrator. The grievance will include a statement of the facts and the desired remedy. The Assistant Town Administrator will hold a hearing or consult the parties involved individually and render a decision within thirty working days of the presentation of the matter.

(e) Step Four: If the matter is not resolved at Step Three within 30 calendar days, the aggrieved employee may submit a written grievance to the Town Administrator. The Town Administrator will hold a hearing or consult the parties involved individually and render a decision within 45 calendar days of receipt of the grievance at Step Four. The decision of the Town Administrator shall be final. (6/27/2006)

IV. Applicability

These policy guidelines shall apply to all non-union employees.

V. Amendment of the Plan

These policy guidelines will be reviewed annually and may be amended from time-to-time by the Board of Selectmen.

VI. Severability

If any provisions of these policy guidelines shall be held invalid, unlawful, or unconstitutional, the other provisions of these policy guidelines shall not be affected thereby.

ATTACHMENT #2
PERMANENT PART-TIME

Vacation Accrual

Permanent Part-time employees who work at least 20 hours per week on average will receive vacation pro-rated as provided below in this Attachment #2 and based upon length of service as follows:

One year of service:	Ten days
Five years of service:	Fifteen days
Ten years of service or more: (7/2002)	Twenty days

Annually, on the anniversary date of hire, the employee will receive one additional vacation day pro-rated as provided below. (6/1999)

Examples for Illustration:

- 1. Employee with 4 years of service @ 20 hours per week receives 10 vacation days at 4 hours per day plus an additional 4 hours on the anniversary for a total of 44 hours.*
- 2. Employee with 8 years of service @ 25 hours per week receives 15 vacation days at 5 hours per day plus 5 additional hours on the anniversary for a total of 80 hours.*

Holiday and Vacation Pro-rating

Permanent Part-Time employees will be paid for holidays and vacation days on the pro-rated basis listed below based on their average work week.

37.5 hr. week earns 1 day per holiday/vacation day

35 hr. week earns 7 hrs. per holiday/vacation day

30 hr. week earns 6 hours per holiday/vacation day

25 hr. week earns 5 hours per holiday/vacation day

20 hour week earns 4 hours per holiday/vacation day

Under 20 hours per week, no benefit.

If a holiday should occur on a regularly scheduled workday, the department head may require the employee to work the next day in order to make up lost time on departmental work. If the occasion does arise, the employee would be paid for that day's work, as well as the holiday. (9/87)

Sick Time Accrual

35 hr. week earns 8.75 hours per month;
30 hr. week earns 7.50 hours per month;
25 hr. week earns 6.25 hours per month;
20 hr. week earns 5.00 hours per month;
Under 20 hours per week, no benefits.