

TOWN OF DOVER

PERSONNEL RULES AND REGULATIONS

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INTRODUCTION

Mission Statement

General Purpose and Intent of the Personnel Board

The Personnel Bylaw established a Personnel Board composed of five (5) members. The Board of Selectmen appoint three members of the personnel board, the Town Moderator appoints one member, and the Warrant Committee appoints one member. The Town Administrator serves as an *ex officio* member of the personnel board.

It is the general purpose and intent of the Personnel Board to establish, maintain and administer a system of personnel administration based on merit principles that promotes a uniform, fair and efficient application of personnel policies. The intent is to provide a method of recruitment, selection and development of a workforce that is skilled and effective in accomplishing the service delivery missions of the Town. To this end, it is the goal of the Personnel Board, with the support and assistance of the Town Administrator, to:

- adopt, maintain and administer personnel rules and regulations;
- adopt and maintain a centralized personnel recordkeeping system;
- oversee actions and policies concerning recruitment and appointment;
- develop and maintain a classification and compensation plan, and a performance appraisal system;
- adopt wage and salary administration regulations;
- develop administrative procedures and forms to implement the personnel systems, rules and regulations;
- enforce the provisions of the personnel systems, rules and regulations;
- make final recommendations to the Board of Selectmen for all personnel issues concerning all employees not covered by a collective bargaining agreement; and
- conduct other duties and responsibilities appropriate to the proper functioning of these personnel rules and regulations.

PART 1 ADMINISTRATION

1.1 General Provisions

1.1-1 Purpose and Authorization

The Dover Town Meeting is the legislative branch of the Town's government. In this capacity, the Town Meeting on May 7, 1990 adopted a Personnel Bylaw pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Law, Chapter 41 Sections, 108A and 108C, "to establish a system of personnel administration based on merit principles that ensures a uniform, fair and efficient application of personnel policies. The intent of this bylaw is to provide a method of recruitment, selection, and development of a work force that is skilled and effective in accomplishing the service delivery missions of the town."

The personnel rules and regulations are intended to establish a system of personnel administration governing employment within the Town of Dover based on the Town's Personnel Bylaw and on sound concepts of personnel management and merit principles which ensure that the recruitment, selection, and advancement of personnel shall be based on ability, knowledge, education, and skill under fair and open competition. The personnel system shall be administered without regard to race, color, sex, national origin, religious creed, age, ancestry, physical or mental disability, sexual orientation, or veteran status, or other protected status.

The information contained in this Town of Dover Personnel Rules and Regulations Manual is intended to provide information about the Town's current the policies, standards, practices, regulations and rules of conduct. These policies are established and administered by the Personnel Board, and will be reviewed periodically and are subject to change. A copy of the most current version of this Manual may be obtained from the Office of the Town Clerk. This Manual should not be considered to be the only or final source of information, and you should consult with the Personnel Board with any questions that you may have about the interpretation of policies in this Manual.

1.1-2 Application

All town departments and positions shall be subject to the provisions of these regulations, excluding elected officers of the Town of Dover. To the extent that any collective bargaining agreement conflicts with any provision of these regulations with respect to employees covered under such labor agreements, the provisions of the collective bargaining agreement shall prevail.

These personnel rules and regulations supersede any other previously adopted personnel rules and regulations.

Failure of any appointing authority or department head to comply with the regulations set forth in this document may invalidate any personnel actions.

1.1-3 Rules of Interpretations

(a) These rules and regulations are intended to be in accordance with all applicable state and federal laws. In the event of inconsistencies, unless to provide benefits that exceed applicable state and federal laws, the applicable state or federal law shall apply.

(b) Words using the singular number may extend and be applied to several persons; words using the masculine gender shall include the feminine gender.

1.1-4 Definitions

The following definitions shall apply:

(a) “Town” shall mean the Town of Dover;

(b) “Board” shall mean the Personnel Board of the Town ;

(c) “Full-time employee” shall mean an employee regularly scheduled to work not less than thirty-five (35) hours per week;

(d) “Part-time employee” shall mean an employee regularly scheduled to work less than a full-time employee. Only regular part-time employees working in excess of 1000 hours per year shall be eligible for benefits, holiday pay, vacation leave, sick leave, bereavement leave, personal leave, and other authorized leaves of absence; such leaves shall be prorated in accordance with the number of hours an employee works on average weekly basis;

(e) “Temporary employee” shall mean an employee in the Town’s service holding an appointment of a transitory nature; such employees shall not be entitled to receive benefits from the Town;

(f) “Appointing authority” shall mean any board or official authorized by General Law or otherwise, to appoint employees;

(g) “Department head” shall mean the officer or committee in charge of a department's operations and activities. A department head may be an appointing authority;

(h) “Board of Selectmen” shall mean the Board of Selectmen of the Town.

1.2 Administration of Regulation

1.2-1 Responsibilities of the Board

The Board shall be responsible for the adoption of rules and regulations in accordance with section 5 of the personnel bylaw. With the administrative assistance of the Town Administrator, the Board shall be responsible for the:

- (a) administration of these rules and regulations;
- (b) establishment and maintenance of a personnel system;
- (c) development of a classification and compensation plan, if any;
- (d) making all necessary administrative procedures to implement the provisions of these rules and regulations;
- (e) other responsibilities set forth in these regulations.

1.2-2 Responsibilities of Appointing Authorities and Department Heads

The appointing authorities and department heads may enforce the provisions of these rules and regulations.

1.2-2a Compliance with Personnel Regulations

Failure of any appointing authority or department head to comply with the regulations set forth in these Personnel Rules and Regulations may invalidate any personnel action.

1.2-3 Responsibilities of the Town Administrator

The Town Administrator shall provide administrative support to the Board. The Town Administrator shall:

- (a) consult with the Board concerning personnel matters;
- (b) maintain the centralized personnel system established in accordance with section 1.3;
- (c) make recommendations to the Board concerning personnel rules and regulations and administrative procedures;
- (d) advise department heads and appointing authorities concerning personnel policies, and disciplinary matters as appropriate;
- (e) enforce these rules and regulations through the Board of Selectmen.

1.3 Personnel Records

1.3-1 Record Keeping Policy

1.3-1a Personnel Files

The Town Administrator shall be responsible for establishing and maintaining a centralized personnel record-keeping system for all town employees. The personnel record-keeping system shall contain such records as may be required by law and as necessary for effective personnel management. All employees and department heads shall comply with and assist in furnishing records, reports, and information as may be requested by the Board.

The Board may establish written guidelines authorizing department heads to maintain specific or duplicate personnel records.

1.3-2 Employees Covered by Record Keeping Policy

All employees, including those covered by collective bargaining agreements.

1.3-3 Contents of Records

The Town Administrator shall maintain an individual personnel file for each employee which shall include the following:

- a. the employee's name, address, date of birth,
- b. job title and description;
- c. the employment application including resume;
- d. a report of all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, or layoff;
- e. history of employment and correspondence directly related to the employee's past employment record;
- f. reclassification or change in the employee's rate of pay or position title;
- g. commendations;
- h. records of disciplinary action;
- i. education and training records;
- j. performance appraisals;
- k. records of authorized leaves earned and used;
- l. other records that may be pertinent to the employee's employment record;
- m. any other records required to be maintained separately by law shall be maintained in accordance with such laws.

The Town Treasurer shall maintain a separate personnel file for tax, health insurance, and payroll withholding information.

1.3-4 Confidentiality and Access to Records

Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the Board of Selectmen or Town Administrator, the Board, persons authorized by the Board to administer the personnel system, and appointing authorities and department heads who have a business need for access. In accordance with Massachusetts law, an employee may, upon written request, be allowed to review or obtain a copy of his or her personnel file within five business days of the request. The review must take place at the place of employment and during normal business hours, and shall be in the presence of persons authorized by the Board to administer the personnel system. If the employee disagrees with the information contained in the file, the Town Administrator and employee may agree to remove any information contained in the file, or the employee may submit a written response that will be included as part of the file.

1.3-5 Centralization of Record Keeping System Records

Records required to be maintained under these rules and regulations shall be under the charge of the Town Administrator. The centralized records shall be maintained in a secure, fire protected location. These centralized records shall be deemed to be the official depository of personnel records.

1.3-6 Records Required Under the FLSA

In accordance with the Fair Labor Standards Act (FLSA), all departments shall submit such payroll records, records of hours worked, authorized leave accrued and taken, overtime and any other information requested. Such records shall be submitted to the finance officers in the form prescribed.

1.3-7 Development of Forms

The Board shall develop necessary forms for the administration of these rules and regulations. An example is the performance appraisal forms.

PART 2 PRE-EMPLOYMENT/EMPLOYMENT

2.1 Recruitment and Appointment

2.1-1 Equal Employment Opportunity Policy

The Town of Dover is firmly committed to providing its officials and employees with an equal opportunity to develop to the full extent of their abilities. The Board of Selectmen recognizes that the success of the Town government depends on the quality of its human resources. The Town strives for consistency with Federal and State statutes

and regulations supporting the recruitment, hiring, training, compensation, and promotion of every qualified individual without regard to race, color, sex, national origin, religious creed, age, ancestry, physical or mental disability, sexual orientation, or veteran status, or other protected status.

The Town wishes to emphasize to all parties its belief in equal employment opportunity and its policy of maintaining a work environment that exemplifies the highest professional standards of personal conduct. The cooperation and participation of all persons employed by or representing the Town of Dover is essential to the achievement of the Town's equal opportunity objectives.

The Board of Selectmen has designated the Town Administrator as the Town's Equal Employment Opportunity (EEO) Officer who shall be responsible for the creation, reporting, and monitoring of the Town's EEO program.

2.1-1a Recruitment Policy

The Town shall be proactive in its recruitment of candidates for Town positions.

2.1-2 Coverage

All employees.

2.1-3 Eligibility

All qualified persons shall be eligible for employment with the Town.

2.1-4 Recruitment Actions

The appointing authorities or the department heads shall be responsible for the recruitment and selection of personnel. The qualifications, classification and salary range for positions shall be established in accordance with the classification and compensation plans, if any.

(a) Notice of Vacancies

Department heads or appointing authorities shall, subject to the availability of funds, prepare a job vacancy notice upon the identification of a vacancy or on the authorization of a new position. Department heads shall, within three (3) business days of any resignation, notify the appointing authority of any such resignation. The job vacancy notice shall be based upon the job description and include: the job title, major duties of the position, qualifications, salary, hours of work, a proposed closing date for applications, and application instructions.

The Town Administrator shall review and approve all job vacancy notices, as to form, prior to commencement of recruitment activities to ensure that the advertisement conforms with the existing salary and town policies.

(b) Posting and Advertisement of Job Vacancy Notices

Department heads and the appointing authorities shall ensure that, in addition to any other advertisements, notices of vacant positions be posted for five (5) working days on the bulletin boards in prominent work locations (including but not limited to the town house, highway and garage facilities, the library, fire station and the police station).

(c) Applications, Screening, and Interviewing

All candidates applying for employment in the town shall complete an official employment application form and return the form to the office of the appointing authority prior to the end of the working day of the closing date specified in the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature.

Applications received from present or former employees shall be subject to the same standards as set forth in this section.

The appointing authority/department head will screen resumes and applications based on criteria established prior to receipt of resumes. Appointing authorities and department heads should follow standard procedures when screening resumes and conducting interviews. The following are general guidelines:

- a. Devise standard selection questions which are consistent with MCAD Guidelines (see attachment B), and use the same questions for all candidates;
- b. Screen resumes for minimum entrance requirements;
- c. Select candidates for interview;
- d. Notify successful candidates of selection (by telephone) and then interview those candidates (interviews conducted by Town Boards and Committees are subject to the provisions of the Open Meeting Law);
- e. Select candidates for final (or second) interview, contact references, and conduct final interviews;
- f. Select final candidate. Review offer to candidate with Town Administrator and secure approvals if offering higher than minimum entrance rates;

- g. Offer the candidate employment in writing, specifying any conditions which apply;
- h. Notify unsuccessful candidates by telephone or by mail.

(d) Examinations

The appointing authority may require an examination as one part of the selection process. Examinations may be practical, medical, physical or any combination thereof and shall be relevant to the requirements of the position.

(e) References

A candidate's former employers, supervisors, and other references may be contacted as part of the selection process. References and other background investigations shall be documented and made part of the applicant's file. All reference checks, criminal background investigations, and other investigations should be completed prior to the offer of employment, in accordance with law.

(f) Application Records

The application, documentation of reference checks, and related documents submitted shall be maintained by the Town Administrator in the employee's personnel file. Upon appointment of an employee, the appointing authority shall turn over to the Town Administrator all applications of those applicants not selected for employment. Such applications shall be maintained for the period required by law. The appointing authority and the department heads, to the extent possible, shall maintain the confidentiality of all applications.

2.1-5 Appointments

All appointments shall be made in writing by the appointing authority. The written notice of appointment shall include the salary, the starting date, any unique or unusual conditions of employment and appropriate additional information. Copies of the letter of appointment shall be provided to the Town Administrator.

2.1-6 Medical Examination

Any person conditionally selected for employment in a Town position requiring substantial physical effort to perform the essential functions of positions shall, after receipt of notice of such selection by the appointing authority and prior to the starting date of employment, shall undergo a medical examination relating to the essential functions of the job with or without reasonable accommodation. The examination shall

be at the expense of the town by a physician or medical institution selected by the Board. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is fit to perform the essential functions of the position for which the appointment is to be made.

2.1-7 Failure to Report

An applicant who accepts an appointment and fails to report to work on the date set by the appointing authority, shall, unless excused by the appointing authority, be deemed to have declined the appointment and the offer of employment shall be withdrawn.

2.2 Probation Period

2.2-1 Probation Policy

Performance of all employees must meet acceptable work standards. The probation period shall be utilized to verify that new and promoted employees achieve effective performance level. Town employees are responsible to familiarize themselves with their duties, responsibilities, rights and obligations. To help ensure that new employees are aware of their duties and responsibilities, department heads shall provide such information to new employees including a copy of the employee handbook.

2.2-2 Coverage

All employees.

2.2-3 Orientation

The Town Administrator and the appropriate department head shall conduct periodic orientation sessions for new employees for the purpose of providing new employees with information on benefits, rights and obligations as an employee of the town. Department heads are responsible to provide on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures.

2.2-4 Probation Period

All newly appointed and promoted employees shall be required to successfully complete a probation period to begin immediately upon the employee's starting date or promotion date and to continue for a three month period which may be extended by the number of days the employee may be absent from work. The probation period is intended to help new and promoted employees achieve effective performance standards. The probation period shall be used by the appointing authority to observe and evaluate the

employee's attitude, conduct, work habits and performance. Upon expiration of the orientation period, the appointing authority shall notify the Board in writing that:

- a) The employee's performance meets satisfactory standards and the individual will be retained in the position; or
- b) The employee's performance, due to extenuating circumstances, requires additional observation and that the orientation period will be extended an additional three (3) months; or
- c) The employee may be discharged. The employee may not appeal the removal.

2.2-5 Department Head Responsibilities

Department heads during the probationary period of any employee should at reasonable intervals discuss work performance with the probationary employee. The department head shall be responsible for documenting these discussions and copies of such documentation shall be submitted to the Board to be filed in the employee's personnel file.

2.3 Transfer, Promotion, Demotion, Reinstatement and Resignation

2.3-1 Coverage

All full-time and part-time employees.

2.3-2 Transfers

Transfer of an employee from one position to another without significant change in position classification level may be effected if the employee meets the qualification for the particular position.

2.3-3 Promotion

Vacancies in positions above the lowest position classification level in any department in the town service may be filled as far as practical by the promotion of employees in the town service. Promotion in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation. Any promotions are subject to the availability of funds.

2.3-4 Demotion

An employee may be demoted to a vacancy in a position of lower position classification level for which he or she is qualified for reasons including any of the following:

- (a) When an employee would otherwise be laid off resulting from the abolition of a position; the employee's position is reclassified; lack of work; disciplinary action; lack of funds; or the end of a temporary appointment.
- (b) When an employee does not possess the necessary qualifications to render satisfactory service in the original position.
- (c) When an employee voluntarily requests such demotion.

All demotions must receive the approval of the appointing authority and all department heads concerned. The employee must be notified in writing of his demotion and of the reason for such action. Within ten (10) days of such notice he may request a public or executive hearing before the Board who must hold such hearing not less than ten (10) days or more than twenty (20) days after such a request unless mutually agreed by the parties. The Board may support the action or may modify it.

2.3-5 Resignation

Any employee who resigns from Town employment shall provide notice of at least ten (10) working days to the department head. Department heads shall within three (3) business days of any resignation notify the appointing authority of any such resignation, who shall in turn notify the Board and Town Administrator.

PART 3 COMPENSATION AND CLASSIFICATION

3.1 Classification and Compensation Plan

3.1-1 Policy

The Board, with the approval of the Board of Selectmen, shall establish and maintain a uniform system for classifying all positions and to establish proper relationships between positions based on such factors as the level of responsibilities assumed and the minimum qualifications required to perform the job so that a consistent schedule of compensation may be applied to each class ensuring equitable pay.

3.1-2 Coverage

All full-time and part-time employees.

3.1-3 Classification Plan Administration

The Board shall have responsibility for the administration of the classification plan and shall be authorized to: (a) when requested by the Board of Selectmen complete studies of new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions; (b) provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification; (c) conduct periodic studies to insure the classification plan remains uniform and current; and (d) develop procedures to determine the proper classification of each position and classify positions.

3.1-3a Wage and Salary Administration Regulations

1. Pursuant to Section 2 of the Personnel Bylaw, set forth in Section XII of the General Bylaws for the Town of Dover, the Board of Selectmen has adopted the following regulations governing the administration of wage and salary matters applicable to employees of the Town of Dover.

2. These proposed regulations are intended to ensure the consistent administration and application of the policies of the Board relating to the wages and salaries of employees of the Town of Dover.

3. These regulations apply to all Town employees: hourly and salaried, part-time and full-time, exempt and non-exempt, as defined by the Fair Labor Standards Act and the wage and hour laws of the Commonwealth of Massachusetts. These regulations also apply to all employees covered by collective bargaining agreements to the extent that the regulations are not in conflict with such labor agreements. To the extent that any collective bargaining agreement conflicts with any provision of these regulations with respect to employees covered under such labor agreements, the provisions of the collective bargaining agreement shall prevail.

4. The Board shall establish and maintain a system of classification, pursuant to which each position of employment established by the Town of Dover shall be classified according to the level of responsibilities assumed, the minimum qualifications required to perform the job, and the duties and functions associated with that position, so that comparable positions shall be subject to the same ranges of compensation. Each position shall be classified by the Board based upon the Board's consideration of factors including the nature of the job duties and functions associated with that position. For each job class identified by the Board, the Board shall establish a range of compensation, defined by a minimum hourly rate and a maximum hourly rate.

5. The Board shall from time to time review and, as necessary, adjust the classification for each position and the minimum and maximum hourly rates for each job class, as the Board deems appropriate. If, as the result of an adjustment in a job classification or a change in the minimum or maximum hourly rates applicable to a job

class or classes, the compensation of an employee falls below the minimum hourly rate applicable to that employee's position, the Board shall submit a request to the Warrant Committee in order to seek their recommendation for an increase in the hourly rate for that position so that it will fall within the salary range applicable to its job class, to the extent that the Committee can do so consistent with the fiscal condition of the Town at that time.

6. Any department head may submit to the Board a written request to change the job classification applicable to any position or positions in that department. The request shall include a statement of the specific reasons why the department head feels that a change in job classification is appropriate. If the request is regarding the department head's own position, a written statement of opinion concerning the request from the department head's appointing authority must be submitted along with the request to the Board. A copy of the request shall be transmitted promptly to the Warrant Committee. In order to permit adequate consideration, any such request should be submitted no later than September 15 of any year in order for the request, if approved, to become effective in the next fiscal year. The Board shall approve or deny the request on or before the 15th day of the November following submission of the request, and shall promptly notify the requesting department and the Warrant Committee of the Board's decision. If unusual circumstances warrant the consideration of a request for a change in job classification at a time other than during the usual budgetary process, the Board shall consider any such request and shall take whatever action it deems appropriate, in light of the specific circumstances and consistent with the fiscal condition of the Town at that time.

7. Absent unusual circumstances, a new employee shall be hired at the minimum hourly rate applicable to the employee's position as set forth in the Wage and Classification Plan, as amended from time to time. If a department wishes to hire a new employee at any rate above the minimum rate but not greater than the mid-point of the range for that position, the department shall submit to the Town Administrator, with a copy to the Warrant Committee, a written request for approval to do so. The request shall include a statement of the specific reasons why the department feels that a rate above the minimum is justified. The Town Administrator shall approve or deny the request within ten (10) days, and shall promptly notify the requesting department and the Warrant Committee of his decision.

If a department wishes to hire a new employee at any rate above the mid-point of the range for that position, the department shall submit to the Board, with a copy to the Warrant Committee, a written request for approval to do so. The request shall include a statement of the specific reasons why the department feels that a rate above the mid-point is justified. The Board shall approve or deny the request within thirty (30) days, and shall promptly notify the requesting department and the Warrant Committee of its decision.

No new employee shall be permitted to begin work at a rate higher than the minimum unless and until a written request has been approved in accordance with this section.

8. Each grade is assigned a salary range which is divided up into steps. It is the responsibility of the department to determine yearly whether an employee is eligible for a step increase dependent upon performance.

9. An employee's hourly rate shall not exceed the maximum hourly rate applicable to that employee's position.

10. If unusual circumstances warrant the consideration, at a time other than during the usual budgetary process, of a request by a department for an increase in the hourly rate for any particular position, or if unusual circumstances warrant the consideration of an hourly rate that exceeds the maximum hourly rate applicable to a particular position, the department shall submit to the Board, with a copy to the Warrant Committee, a written request for approval of the change. The request shall include a statement of the specific reasons why the department feels that an increase in the hourly rate for the position, or an hourly rate in excess of the maximum, is appropriate. The Board, after consultation with the Warrant Committee to the extent the Board deems appropriate, shall consider any such request and shall take whatever action it deems appropriate, in light of the specific circumstances and consistent with the fiscal condition of the Town at that time. No department should approve any increase in the hourly rate applicable to any particular position without prior approval from the Board.

3.1-4 Classification of New Positions

Appointing authorities proposing the creating of new positions shall provide the Board with a description of the duties, skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Board to appropriately classify the position.

3.1-5 Reclassification of Positions

Positions may not be reclassified without a review and approval of the Board. The Board shall review all positions subject to the classification plan in accordance with proper personnel practices.

3.1-6 Promotion

An employee who receives a promotion shall begin to be compensated within his/her new pay grade level, no later than the beginning of the next budget year. Adjusted compensation may begin earlier subject to budget approval by the Warrant Committee. The employee's new rate of pay will be proposed by the appointing authority and/or department head and will be reviewed and approved by the Board. The Board will review

the position's job description, pay for similarly graded positions within the Town, as well as the employee's qualifications and past performance.

3.1-7 Classification and Compensation Plans

The classification plan and the compensation plan shall be reviewed annually and updated as necessary by the Board.

3.2 Overtime

3.2-1 Policy

The Town shall pay overtime in conformance with the Fair Labor Standards Act (FLSA). A department head and/or appointing authority shall be responsible for the control and authorization of overtime. Compensatory time may be used by department head and/or appointing authority, if used in conformance with the FLSA.

PART 4 STANDARDS OF CONDUCT AND DISCIPLINE

4.1 Standards of Conduct

4.1-1 Policy

All persons employed by the Town hold a position of public trust and as a result, Town employees must present themselves in a professional and appropriate manner. Employees shall avoid any action which might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting town business. Employees are expected to adhere to conduct established by state law. All employees may be subject to disciplinary action up to and including discharge for acting in a manner that is not consistent with the standards of conduct.

4.2 Smoking Policy

Smoking shall not be allowed within municipal buildings in accordance with state law.

4.3 Political Activity Policy

Participation in political activities is to be carried on outside of normal working hours. No political activities or solicitations will be conducted on Town owned property by employees during work hours or in work areas.

4.4 Conflict of Interest

In so far as this section is consistent with provisions of General Law, chapter 268A, no employee shall maintain an outside business or financial interest, or engage in any outside business or financial activity which interferes with their ability to fully perform job responsibilities. Conduct of an employee shall be in accordance with the laws of the Commonwealth.

4.5 Gratuities

In so far as this section is consistent with provisions of General Law, chapter 268A, no individual employee of the Town may accept any form of gifts, gratuities, special favors or preferential treatment that will create any conflict of interest, or appearance of a conflict in relation to any matter in which the Town is a party or has a direct and substantial interest.

4.6 Telephone Policy

The number and duration of out-going or in-coming personal telephone calls shall be limited to an absolute minimum, and should be limited to break periods whenever possible.

4.7 Attendance/Office Closure

Notice of illness and use of sick leave shall be in accordance with section 6.3 of these regulations. Any employee whose illness or disability would result in the temporary closure of a Town office shall report such illness or disability to the office of the Board of Selectmen at the same time and in the same manner that such illness or disability is reported to any appointing authority.

4.8 Safety Policy

Employees shall be required to wear and use the safety equipment at all times while undertaking the work for which the equipment is furnished, or as instructed, or as conditions otherwise warrant. There shall be no exceptions.

Department heads and supervisors shall: assume full responsibility for the safety of working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment or attitudes of employees; insure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.

Each employee shall: observe all safety rules, operating procedures and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems; report all accidents promptly to the appropriate supervisor.

Employees, including supervisors, violating safety rules, practices and policies may be subject to disciplinary action up to and including discharge.

4.9 Disciplinary Provisions

Certain rules and regulations regarding town employee behavior are necessary for the efficient operation of Town government and for the benefit and protection of the rights and safety of employees and the community. In general, employees shall comply with safety and health regulations, perform tasks in an efficient and business-like manner, wear appropriate clothing, and maintain cleanliness and orderliness in work areas.

Conduct that interferes with government operations, brings discredit to the Town, or is offensive will not be tolerated. Disciplinary action, up to and including discharge, may result from violations of any of the rules, regulations, policies or procedures contained in the Manual or Handbook, or any other policy or practice of the Town even if not included in the Manual or Handbook. Appropriate disciplinary action shall be determined as set forth in Part 5 of these Rules and Regulations. Some examples of activities which are to be considered sufficient cause for disciplinary action, up to and including discharge, shall include, but is not intended to be limited to, the following:

- a) Incompetence or inefficiency in performing assigned duties;
- b) Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor;
- c) Habitual tardiness or absence from duty;
- d) Falsification of time sheets;
- e) Use or possession of illegal narcotics or alcohol while on duty;
- f) Misuse or unauthorized use of Town property;
- g) Fraud in securing appointment;
- h) Disclosure of confidential information;
- i) Abuse of sick leave or absence without leave;
- j) Violation of safety rules, practices and policies;
- k) Engaging in sexual or other harassment;
- l) Violation of these personnel rules and regulations;
- m) Dishonesty, theft, misuse of property, falsifying reports or records, obtaining confidential information not essential to your job, misuse of information;
- n) The possession, sale or use or misuse of a controlled substance other than use of a drug as prescribed by a physician;
- o) Reporting for work or conducting Town business while under the influence of controlled substances or alcoholic beverages;
- p) The possession or consumption of alcoholic beverages on Town property.

- q) Smoking in Town buildings;
- r) Disruptive behavior including profanity, abusive language, or assault.
- s) The unauthorized possession of firearms or other weapons on Town property.
- t) Gambling on Town property;
- u) Failure to comply with the Town's personnel policies and procedures.
- v) Insubordination;
- w) Work at home;
- x) Any situation or instance of such seriousness that disciplinary action is warranted.

4.10 Sexual Harassment Policy

4.10-1 Introduction

It is the goal of the Town of Dover to promote a workplace which treats all employees with dignity and respect. Sexual harassment is unlawful and will not be tolerated. Further, any retaliation against an employee or official who has complained about sexual harassment or cooperated with an investigation of a sexual harassment complaint is similarly unlawful and will also not be tolerated.

Because the Town of Dover government takes allegations of sexual harassment seriously, it will respond promptly to complaints of sexual harassment, and where it is concluded that sexual harassment occurred, it will act promptly to eliminate the harassment and impose disciplinary action as appropriate.

4.10-2 Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is: “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 an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

These definitions are broad and include any sexually oriented conduct, whether it is intended or not, by officials and employees and, in some instances, third parties, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to another official or employee. Prohibited conduct also extends to any function or activity which is officially sponsored by the Town

government. While it is not possible to list all those circumstances which would be considered sexual harassment, the following are some examples:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;
- Assault or coerced sexual acts.

The following conduct may also constitute sexual harassment in certain circumstances:

- Use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities; and
- Comments regarding gender stereotypes which demean, embarrass or humiliate employees.

4.10-3 Ombudsmen

Any employee who believes that he/she has been subjected to sexual harassment may also seek advice from either of the Town's sexual harassment ombudsmen [one female, one male] who have been appointed by the Board of Selectmen. These people are available to discuss any concerns and to provide clarification of the Town's sexual harassment policy. The employee may request the ombudsman to find a way of resolving the employee's concerns in an informal manner to ensure privacy and confidentiality insofar as is possible.

4.10-4 Complaints of Sexual Harassment

Formal complaints of sexual harassment shall be filed with the Town's Affirmative Action Officer (AAO), who has been appointed by the Board of Selectmen. This may be done in writing or orally. The AAO will then investigate and attempt to resolve the situation in a fair and expeditious manner. The AAO's investigation shall

include a private interview with the complainant and any witnesses. The AAO shall interview the person alleged to have committed sexual harassment. The AAO shall accept written statements from all such employees and witnesses. If the AAO is unable to resolve the complaint, the matter will be given to the Board of Selectmen for disposition.

If the investigation reveals that sexual harassment did occur, the Board of Selectmen shall act promptly to prevent the offending conduct, including appropriate disciplinary action which could include suspension or dismissal from employment. In addition, at the conclusion of these proceedings, the AAO shall inform the complainant and the alleged harasser of the results, including allegations that have not been sustained.

If a complaint of sexual harassment is filed by an employee against a person who is not an official or employee of the Town of Dover, the AAO shall refer the matter to the District Attorney.

4.10-5 Disciplinary Action

If sexual harassment has been committed by one of the Town's employees or officials, appropriate action will be taken as approved by the Board of Selectmen. Such actions may include: counseling, informal or formal reprimand, written or verbal warning, suspension, transfer, or termination.

4.10-6 Appointment of Sexual Harassment Officers

The Board of Selectmen shall appoint the Ombudsmen and the Affirmative Action Officer annually.

4.10-7 State and Federal Remedies

In addition to the above, if an individual believes that he/she has been subjected to sexual harassment, a complaint may be filed with either or both of the following agencies:

The federal employment discrimination enforcement agency is:

The United States Equal Employment Opportunity Commission
1 Congress Street, 10th Floor, Room 1001
Boston, MA 02114
(617) 565-3200

The state employment discrimination enforcement agency is:

The Massachusetts Commission Against Discrimination
One Ashburton Place, Room 601
Boston, MA 02108
(617) 727-3990

4.11 'Whistleblower' Policy

This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, 1992, Massachusetts General Laws, Chapter 149 (the "Act") and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act.

It is the policy of the town:

- a. To encourage the reporting by its employees of improper governmental action taken by town officers or employees; and
- b. To protect town employees who have reported improper government actions in accordance with this policy.

The town encourages the reporting of improper governmental action taken by any town officers or employees, and the reporting of retaliatory actions for such reporting. The town encourages initial reporting to the town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states the town's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

Town employees who obtain knowledge of facts demonstrating improper governmental actions should raise the issue first with their supervisor, the Town Administrator/designee, or the appropriate governmental agency responsible for investigating such improper action. If requested by the supervisor, the Town Administrator/designee, the employee shall submit a written report to the town stating in detail the basis for the employee's belief that an improper governmental action has occurred.

In the case of an emergency, the employee may report the improper governmental action directly to a person or entity who is not the person's supervisor, the Town Administrator/designee, or other government agency. In all other cases, the employee must first follow the reporting procedure outlined above.

An employee is not required to comply with the above procedure if he/she:

- a. is reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer and the situation is emergency in nature;
 - b. reasonably fears physical harm as a result of the disclosure provided;
- or
- c. makes the disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

Town employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or the Act. Employees who make false reports may be subject to the disciplinary procedures in the town personnel rules.

The supervisor or the Town Administrator/designee, as the case may be, shall take prompt action to assist the town in properly investigating the report of improper governmental action. Town officers, administrators, supervisors, and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation, except personnel actions taken as a result of the investigation may be kept confidential.

Town officials, administrators, supervisors and employees are prohibited from taking retaliatory action against the town employee because he or she has in good faith reported an improper governmental action in accordance with this policy.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor or the Town Administrator/designee. Town officials, administrators and supervisors shall take appropriate action to investigate and address complaints of retaliation. If the supervisor or the Town Administrator/designee, as the case may be, does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee, in accordance with the Act, may, within two years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be made available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein.

The Town Administrator/designee is responsible for implementing the town's policies and procedures: (1) for reporting improper governmental actions, and (2) for protecting employees against retaliatory actions. This includes insuring that this policy is permanently posted where all employees will have reasonable access to it and that this policy is made available to any employee upon request. The town will, to the extent it considers practical, provide training and education on the whistleblower policy. Town Administrators and supervisors are responsible for insuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including dismissal.

PART 5 DISCIPLINARY AND GRIEVANCE PROCEDURES

5.1 Coverage

All employees that have successfully completed the probation period as required by these regulations.

5.2 Disciplinary Procedures

5.2-1 Policy

The appointing authority, department heads and supervisors shall be responsible for enforcing standards of conduct and rules and regulations. Failure to comply with standards of conduct or any rules and regulations may result in disciplinary action. The type of disciplinary action imposed is at the discretion of the appointing authority and department heads and is dependent upon the nature of the disciplinary violation. Disciplinary action generally will include one or more of the following not necessarily in this order: oral reprimand, written reprimand, demotions, suspensions, and discharge. Department heads shall be responsible for preparing written documentation of disciplinary action imposed. All written documentation shall be provided to the appointing authority and the Board and shall be filed in an employee's personnel file in the centralized personnel record keeping system.

5.2-2 Imposing Disciplinary Action

Department heads and appointing authorities are encouraged to discuss serious disciplinary problems and proposed disciplinary actions with the Town Administrator to insure that procedures are followed and that contemplated actions are warranted and consistent with practices in the town.

5.2-3 Disciplinary Action

(a) Oral reprimand

A department head or supervisor may issue an oral warning to the employee. The oral warning shall be presented in a manner intended to minimize embarrassment to the employee. The department head or supervisor shall orally communicate to the employee the nature of the deficiency and offer assistance in correcting the deficiency. An oral reprimand shall be noted in the employee's personnel file.

(b) Written reprimand

A department head may issue a written reprimand. The reprimand should include: the charge; the specific behavior and dates of the behavior, as appropriate; the warning

that continuance of the behavior will result in more severe disciplinary action; an offer of guidance or instruction as to acceptable performance/conduct in correcting the behavior; circumstances affecting the severity of the disciplinary action and any right of appeal. A copy of the written reprimand signed and dated by both the department head and employee (or with an indication by the department head that the employee has refused to sign) shall be placed in the employee's personnel file.

(c) Suspension

A department head or an appointing authority may suspend an employee with or without pay for a period or periods not to exceed ten (10) working days. Suspension may be in lieu of oral reprimand or written reprimand, and may be effective immediately. On or before the date of suspension the appointing authority shall furnish the employee with a written statement setting forth the reasons for the suspension, the effective date of the suspension and the date the employee shall return to work. The notice of suspension should include: the charge; the specific behavior and dates of the behavior, as appropriate; the warning that continuance of the behavior will result in more severe disciplinary action, including discharge; and offer of assistance in correcting the behavior; circumstances affecting the severity of the disciplinary action and any right of appeal. A copy of the written statement signed and dated by both the department head and employee shall be placed in the employee's personnel file.

In all instances where, in the judgment of the department head or appointing authority, the reasons for the suspension don't require immediate imposition of the suspension the department head or appointing authority shall submit the written statement setting forth the reasons for the suspension, and the duration of it to the Board. The Board shall review the statement and issue comments, if any, within five (5) days. No suspension proposed under this paragraph shall be imposed or take effect until the expiration of the five days or receipt of the comments from the Board, whichever is sooner.

(d) Discharge

An employee may be discharged for cause. For purposes of this policy, cause shall mean any ground that is put forward by a department head or appointing authority that is not arbitrary, irrational, unreasonable, or irrelevant to building and maintaining an efficient municipal system. The employee shall be given written notice of the discharge signed by the appropriate appointing authority specifying: the date of the discharge; the charge; the specific behavior and dates of the behavior, as appropriate; circumstances affecting the severity of the disciplinary action; and any right of appeal.

Prior to discharging an employee, the appointing authority shall submit the written notice of the discharge to the Board. The Board shall review the notice and issue comments, if any, within five (5) days. No discharge shall be imposed or take effect until

the expiration of the five (5) days or receipt of the comments from the Board, whichever is sooner.

5.3 Grievance Procedures

Grievances shall relate to improper application of these personnel rules and regulations or disciplinary procedures and shall be resolved in the following manner:

(a) Informal (Supervisor)

An aggrieved employee shall discuss any matter of dispute with his or her immediate supervisor in a mutual effort to resolve any problem or misunderstanding.

(b) First Step (Department Head)

Upon failing to resolve any grievance in an informal manner an aggrieved employee may present a grievance in writing to the department head within ten (10) days from the time the employee has knowledge or reasonably should have had knowledge of the occurrence which gave rise to the grievance. The written grievance shall contain the following information: the section of the regulation upon which the grievance is based; the occurrence(s) being grieved; applicable dates and time; any pertinent information relative to the grievance; an indication of the relief that is desired. The department head within five (5) working days of receipt of a grievance shall provide an answer in writing to the aggrieved employee.

(c) Second Step (Appointing Authority)

If the grievance has not been resolved as provided in (b) above, the aggrieved employee may within five (5) working days after receipt of the written answer from the department head or within ten (10) working days after presentation of the grievance to the department head present the grievance in writing to the appointing authority. If the appointing authority and the department head are the same then the employee shall instead proceed to follow procedures set forth in sub section (d) below. The appointing authority shall answer the grievance in writing within ten (10) days after its receipt.

(d) Third Step (Board)

If the grievance has not been resolved as provided in (c) above, the aggrieved employee may within ten (10) working days after receipt of the written answer from the appointing authority present the grievance in writing with a request for a hearing to the Board. The Board shall hold a hearing pursuant to the Open Meeting laws on the grievance and shall answer the grievance within thirty (30) days after its receipt. The Board may support, modify or reverse the action of the appointing authority, provided, however, such action to modify or reverse a decision shall be by roll call vote of the

Board and the appointing authority sitting in joint session. Any such decision shall be final.

5.3-1 Procedural Protections

Employees may be represented by counsel or other representative during the grievance process. Any expenses incurred by an employee during the course of the grievance process shall be borne by the employee. If any employee is required or requested to be present at any hearings on a grievance, the employee shall not lose any pay for work time lost.

Department heads or supervisors shall not retaliate or take any disciplinary action against an employee based solely on the filing of any grievance.

5.3-2 Failure to Act

Grievances are expected to be filed in a timely manner and all time limits specified in the grievance process shall be met by the employee filing a grievance and the Town, provided, however, any time limit may be extended by prior written agreement of the Board and the employee filing a grievance. Failure of the employee to meet the time limits specified in this section shall result in a grievance being declared null and void. Failure by the town to act in accordance with the time limits set forth in this section shall be an automatic denial of the grievance and shall move the grievance to the next step.

PART 6 BENEFITS

6.1 Holidays/Sundays

6.1-1 Coverage

Full-time and qualified part-time (as defined under 1.1-4(c)) employees.

6.1-2 Recognized Holidays

The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential town services:

New Year's Day
Martin Luther King Day
President's Day
Patriot's Day

Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

6.1-3 Terms of Holiday Pay

Holiday pay shall be granted as follows:

A part-time employee working in excess of 1000 hours per year and who is paid on an hourly basis will receive one day's pay at the regular rate based on the number of hours regularly scheduled on the day on which the designated holiday occurs. If the number of hours worked varies the amount of holiday pay to which an employee is entitled shall be determined by the employee's appointing authority.

Holiday pay shall be granted to an employee provided that the employee shall have worked on the employee's last scheduled working day prior to and the next regularly scheduled working day following such holiday, or was in full pay status on such preceding and following days in accordance with other provisions of these regulations, or was appropriately excused.

All hourly employees shall receive double time for hours worked on any holiday.

An employee whose work week is irregular, or by rotation of shifts is other than Monday through Friday, and whose regular day off falls on an observed holiday, shall be paid at his or her regular rate for such day or fraction of such day, or in the discretion of the department head, may be granted equivalent time off within the same work week.

6.1-4 Sunday Pay

All hourly employees shall receive double time for the hours worked on any Sunday.

6.2 Vacation Leave

6.2-1 Coverage

Full-time and qualified (as defined under 1.1-4(c)) part-time employees.

6.2-2 Accrual of Vacation

Vacation leave shall be earned upon the completion of each month of continuous service. Vacation shall be granted in accordance with the following schedule:

- (a) All employees in continuous service of the town for less than one year of service shall accrue vacation at the rate of 1.25 days per month.
- (b) All employees in continuous service of the town for more than one year but less than five years shall be entitled to fifteen days annually of vacation leave with pay each year.
- (c) All employees in continuous service of the town for more than five years but less than ten years shall be entitled to fifteen days annually of vacation leave with pay each year, plus one additional day of vacation leave for each year of continuous service more than five years of service but less than ten years of service.
- (d) All employees in continuous service of the town for more than ten years shall be entitled to twenty days annually of vacation leave with pay each year.
- (e) All employees in continuous service of the town for more than twenty years shall be entitled to twenty days annually of vacation leave with pay each year, plus one additional day of vacation leave with pay for each year of continuous service more than twenty years of service.

6.2-3 Scheduling

Vacation leave shall be authorized by department heads at such time, in the opinion of the department heads, as to cause the least interference with the performance of regular work of the town. Employees are expected to give a minimum of two weeks notice of a vacation request to his/her department head. Vacation leave shall not be unreasonably denied.

6.2-4 Termination

Whenever employment is terminated, the employee shall be paid an amount for that portion of the vacation allowance earned in the vacation year during which termination occurred up to the time of the employee's separation from the payroll.

6.2-5 Carry Over of Vacation

Employees are encouraged to take vacation within the year earned. With prior written approval of the appointing authority, an employee may carry over up to five days into the following fiscal year. In granting this authority, it is understood that no additional cost will accrue to the Town, such as would result from the hiring of temporary employees for coverage of the vacationing employee. For purposes of this section,

increased costs resulting from wage or salary increases in the subsequent fiscal year are not to be considered.

6.2-6 Death

Whenever employment is terminated by death, the estate of the deceased shall be paid an amount for that portion of the vacation allowance earned in any vacation year during which the employee died up to the time of his separation from the payroll.

6.2-7 Holiday While on Vacation

An employee shall be granted an additional day of vacation, if while on vacation leave a designated holiday occurs.

6.2-8 New Employees

New employees shall earn vacation in accordance with the schedule set forth in this section, provided however, any vacation earned during the new employee's three month probation period may not be taken until an employee has successfully completed the probation period.

6.3 Sick Leave

6.3-1 Coverage

Full-time employees and qualified part-time employees.

6.3-2 Accumulation

An employee of continuous service shall accumulate one day of sick leave with pay for each full calendar month of service. An employee may accumulate up to a maximum of 124 work days of sick leave.

6.3-3 Notice and Use of Sick Leave

Sick leave shall be granted to an employee only when the employee is incapacitated from the performance of duties by personal sickness, injury or by exposure to a contagious disease. Employees may be allowed to use up to ten (10) days of the employee's accrued sick leave per year to attend to the serious illness or injury of an immediate family member which requires the attendance of the employee for the purpose of caring for the serious illness or injury of the immediate family member. Immediate family is: wife, husband, mother, father, child, brother, sister, mother-in-law, father-in-law, grandparents, grandchildren, as well as step-parents, step-children, and domestic partners.

Notice of illness and use of sick leave shall be in accordance with this section of these regulations. Any employee whose illness or disability would result in the temporary closure of a Town office shall report such illness or disability to the office of the Board of Selectmen at the same time and in the same manner that such illness or disability is reported to any appointing authority.

6.3-4 Authorization of Sick Leave

Sick leave shall be authorized by a department head. Notification of illness shall be made to the employee's supervisor, if possible, prior to starting time or as soon as practical thereafter. The department head may require a physician's certificate of illness if an absence lasts longer than five days, or at other times when usage of sick leave suggests abuse.

6.3-5 Worker's Compensation and Sick Leave Supplemental Payments

The town shall supplement worker's compensation payments in the amount which is the difference between the amount paid in Worker's Compensation payments and the employee's regular compensation to the extent the employee has accumulated sick leave. Such supplemental payments shall be charged against accrued sick leave and/or vacation until such leave has been exhausted at which time such supplemental payments shall cease.

6.4 Bereavement Leave, Jury Leave, Leaves of Absence, Military Leave, and Personal Leave

6.4-1 Coverage

All full-time employees and part-time employees, unless otherwise provided.

6.4-2 Bereavement Leave Policy

Emergency leave of up to three (3) days with pay may be granted with the approval of the department head or appointing authority for a death in the employee's immediate family. Immediate family is: wife, husband, mother, father, child, brother, sister, mother-in-law, father-in-law and grandparents, as well as step-parents, step-children, and domestic partners. Any bereavement leave in excess of three (3) days will be charged first against an employee's accumulated sick leave, and second, against the employee's accumulated vacation leave. At the discretion of a department head additional bereavement leave may be granted to an employee without pay.

6.4-3 Jury Leave Policy

Jury leave shall be granted in accordance with state law.

6.4-4 Military Training Leave Policy

Employees are permitted leave for military reserve training and shall be paid the difference between their military compensation for such training and their Town compensation for a period not to exceed ten (10) work days in any fiscal year. Payment shall not be made to employees when mobilized for active duty by state or federal authority. Employees are permitted under Massachusetts law to take leave for up to 17 days per year, total, to attend required training, for employees who are called for military reserve training.

In addition, federal law provides broad protection and rights for employees who leave their employment for the purpose of entering uniformed services for extended periods. "Uniformed Services" refers to the Armed Services (including the Coast Guard), the Army National Guard and Air National Guard (when engaged in active or inactive duty for training, or full-time duty), and the commissioner corps of the Public Health Service. The period of protection extends ordinarily for up to five years. An employee who interrupts his or her career for uniformed service generally must give advance notice to the Town of the impending service, and must report for work in a timely fashion after the period of uniformed service has ended.

6.4-5 Leave of Absence Policy

The appointing authority may, at their discretion, grant leaves of absence without compensation for periods not exceeding three months duration without loss of seniority. Only those employees completing at least one year of continuous service shall be eligible for leaves of absence under this section.

Employees granted a leave of absence shall be classified as out of service of the town and shall not be entitled to other benefits as may be provided by the town, including, but not limited to, sick leave, vacation leave and compensation during the periods of the leave. An employee granted a leave of absence for a period of thirty (30) days or less shall be entitled to coverage under applicable group health and life insurance plans. An employee granted a leave of absence for a period of greater than thirty (30) days may be provided coverage under applicable group health, dental and life insurance plans, provided that the employee pays the total premium cost, in accordance with applicable statutes.

Leaves of absence shall not be granted to enable an employee to accept other employment or for self employment. Any request for leave of absence or reinstatement after such leave without pay shall be made in writing.

6.4-6 Personal Leave

An employee may be granted personal leave, subject to the approval of the department head or appointing authority, for up to three days per year.

6.5 Family and Medical Leave Policy

6.5-1 Coverage

All full- and part-time employees who have been employed by the town for at least twelve months, not necessarily consecutively, and have worked a minimum of 1,250 hours during the immediately preceding twelve months are eligible for a leave of absence under this policy.

6.5-2 Policy Statement

In accordance with the Family and Medical Leave Act of 1993 (FMLA), the Town will grant eligible employees up to twelve weeks of unpaid leave during any twelve-month period, as defined below, for any of the following reasons:

- (1) To care for the employee's child within one year of birth, adoption, or the initiation of foster care;
- (2) To care for a child, spouse, or parent with a serious health condition;
- (3) Because the employee's own serious health condition makes the employee unable to perform his or her job.

Upon the completion of FMLA leave, an employee generally will be reinstated to the position the employee held when the leave commenced, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

6.5-3 Scheduling of Leave

1. Eligible employees may take a maximum of twelve weeks of leave during any twelve month period. In all cases, the twelve-month period shall be measured on a "rolling" twelve-month period measured backward from the date an employee uses FMLA leave.
2. Family leave, i.e., leave for childbirth, adoption, or foster care, must be taken and completed within one year of the birth, adoption, or the initiation of foster care. Such leave ordinarily must be taken all at once unless the employee's supervisor agrees to an alternative leave arrangement that satisfies the operational needs of the Town.

3. Medical leave, i.e., leave for the serious health condition of an employee or the employee's relative, may be taken whenever medically necessary. Depending on the circumstances, medical leave may be taken all at once, intermittently, or on a reduced leave basis. However, if the employee's need for intermittent leave or leave on a reduced basis is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment in a way that will minimize disruptions to the Town's operations. The Town may, with justifiable cause, ask an employee to modify his or her treatment schedule in order to better accommodate the Town's needs.

6.5-4 Employee Notice Requirements

1. If an employee's need for FMLA leave is foreseeable, the employee must provide his or her supervisor with at least thirty days advance verbal notice before the leave can begin, or as much notice as is practicable under the circumstances. Such notice should include the employee's reason for requesting leave as well as its anticipated timing and duration.
2. If an employee's need for FMLA leave, or its approximate timing, is not foreseeable, the employee is expected to give his or her supervisor notice as soon as possible under the circumstances. Ordinarily, such notice should be provided within one or two working days after the employee learns of the need for the leave.
3. Employees will be provided a detailed notice at the time they request FMLA leave, which specifies the expectations and obligations of the employee during the FMLA leave and the consequences of any failure to meet these obligations.

6.5-5 Medical Certification Requirements

1. Any employee requesting a medical leave, either to care for a sick relative or because of the employee's own medical condition, must provide a doctor's statement supporting the employee's need for leave within fifteen days after requesting leave. Employees should contact the Town Administrator as soon as their need for a medical leave is determined.
2. A doctor's statement may be requested monthly, depending on the nature of the serious health condition, while an employee is on medical leave in order to certify the employee's continuing need for leave. A doctor's statement also may be required if an employee requests an extension of leave, or if there is a significant change in circumstances related to the employee's need for leave.

3. As a condition of returning to work, an employee who has been on medical leave must present a doctor's statement certifying that the employee is well enough to resume work. A medical certification also will be required in any case where an employee on FMLA leave represents that he or she is unable to return to work for medical reasons.

6.5-6 Status of Compensation and Benefits While on FMLA Leave

1. FMLA leave will be without pay except when an eligible employee uses accrued sick, vacation, or personal time to qualify for compensation during leave or is eligible for short-term or long-term disability leave pay.
2. The Town will maintain an employee's health insurance coverage for the duration of the employee's FMLA leave as though the employee were continuously employed. The Town will continue to pay its portion of the employee's health insurance premiums provided that the employee pays his or her contributory portion on a timely basis. Employees requesting leave should contact the Treasurer/Collector's Office to arrange an acceptable payment schedule.
3. The Town will maintain and pay its portion of the premiums for other benefits during FMLA leave, including life insurance, provided that the employee pays his or her contributory portion on a timely basis.
4. Employees will not accrue seniority or other benefits, such as vacation or sick leave, during any periods of FMLA leave. However, such leave periods will be treated as continued service for the purpose of calculating pension and retirement plan vesting and eligibility to the extent permitted by law.
5. In the event an employee fails to return to work after an unpaid family or medical leave is exhausted or expires, the Town is entitled to recover health or other insurance premiums paid by the Town during the leave period unless the reason the employee's failure to return is due to: (1) the continuation, recurrence, or onset of a serious health condition; or (2) other circumstances beyond the employee's control.

6.5-7 Return to Work

1. An employee on FMLA leave is expected to report at least monthly to the employee's supervisor on his or her status and intent to return to work.
2. The Town will make every effort to restore all employees on leave to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, it may be necessary to deny restoration to certain highly compensated "key employees" in order to avoid substantial and

grievous economic injury to the Town's operations. The Town Administrator shall notify any employee who qualifies as a "key employee," and thus might be denied restoration, as soon as possible after the employee requests leave.

6.5-8 Maternity Leave Benefits Under Massachusetts Law

Female employees who are not eligible for a Family and Medical Leave of twelve weeks to care for the employee's child within one year of birth but have worked for the Town for at least three months are entitled under Massachusetts Law to up to eight weeks of unpaid maternity leave for the purpose of giving birth or for adopting a child under the age of eighteen (or under the age of twenty-three if the child is mentally or physically disabled).

To be entitled to such leave, the employee must notify her supervisor at least two weeks in advance of her expected departure date and whether she intends to return to work. If this notice is given, the employee will at the completion of the leave be reinstated to her original job with the status, pay, length of service and seniority that she would have had as of the date of reinstatement from maternity leave, when possible; otherwise, she will be employed in a substantially similar position unless other employees of equal length of service and status in the same or similar position have been laid off due to economic conditions or changes in operating conditions. Any female employee who is not reinstated after her maternity leave for these reasons will be placed on a preferential hiring list for another position for which she is qualified.

Female employees who are eligible for both twelve weeks of leave under FMLA and eight weeks of leave under Massachusetts law may take a maximum leave of twelve weeks, if the leave is needed for the purpose of giving birth or adopting a child. Subject to the requirements outlined above, female employees eligible for both kinds of leave may choose between Maternity Leave of eight weeks, with two weeks notice, or Family and Medical Leave with thirty days notice. Full-time female employees who have taken up to twelve weeks of leave under FMLA for a purpose other than childbirth or adoption are entitled under Massachusetts law to take eight additional weeks of maternity leave.

6.6 Longevity Pay

6.6-1 Coverage

All employees.

6.6-2 Longevity Pay Granted

Effective in the fiscal year beginning July 1, 1999, after five (5) full years of continuous service to the Town, each employee shall be paid an additional annual longevity amount equal to forty dollars (\$40.00) per annum for each completed year of service.

Longevity pay shall be paid in one lump sum to each employee entitled thereto during the month of June. Should separation occur prior to June, longevity pay shall be prorated and distributed at the time of separation.

6.7 Workers' Compensation

6.7-1 Coverage

All employees.

6.7-2 Period Not Covered by Worker's Compensation

Charges shall be made against sick leave accruals for the legal waiting period not covered by the state worker's compensation act.

6.7-3 Coordination of Sick Leave with Worker's Compensation

An employee receiving sick leave with pay and simultaneously receiving compensation under worker's compensation laws shall receive only that portion of his regular salary which will, together with said compensation, equal his regular salary. Sick leave shall be charged accordingly.

6.8 Employee Incurred Expenses and Reimbursement

6.8-1 Policy

The town will reimburse all legitimate expenses incurred by an employee as a result of that employee performing town business related to the employee's work.

6.8-2 Coverage

All employees.

6.8-3 Vehicle Usage Policy

It is the policy of the Town of Dover to provide vehicles for use by some employees where required for business of the Town, to allow employees to drive on such business of the Town, and to reimburse employees for the use of a personal vehicle for business of the Town, all according to the regulations set forth below.

6.8-3a Town Vehicles

1. An employees may drive a Town vehicle only with the approval of his/her supervisor.

2. A supervisor may assign a driver only after determining that the driver meets the requirements set forth in the Town's insurance policies and such other requirements as the Town may adopt. The employee is responsible to confirm to his or her supervisor, and the supervisor shall determine that the driver has a valid driver's license in the appropriate vehicle category and verify that he or she has a safe driving record. The current insurance carrier requirements described in Section 6.8-3c(2).
3. An employee driving a Town vehicle must be able to meet the *Insurance Carrier Requirements for Drivers of Town Vehicles* at all times. An employee must inform his/her supervisor of any changes that may affect his/her ability to meet the standards of this policy.
4. Employees who drive Town vehicles are subject to the Town's Drug and Alcohol Testing Policy and all applicable state and federal statutes and regulations.
5. No employee may drive a Town vehicle for non-business purposes except employees who regularly require transportation in the course of their normal work and are assigned a Town vehicle for their use.

An employee who is permitted to use a Town vehicle for commuting from home to work shall understand that such use of the vehicle shall be treated as taxable compensation, unless such use is determined by the Board of Selectmen to be required for reasons of public safety to respond to emergencies and is in accordance with the rules of the Internal Revenue Service.

6. An employee may use a Town vehicle for non-business purposes only with the prior written approval of the Board of Selectmen.
7. An employee who is assigned the use of a Town vehicle shall be responsible for the ongoing regular maintenance and safety of the vehicle within his/her department's budget.
8. An employee who drives a Town vehicle shall, in addition to meeting the approval requirements above, drive safely and maintain the security of the vehicle and its contents. The employee is not permitted under any circumstances to operate a Town vehicle when unable to drive safely. The employee is also personally responsible for any driving or parking infractions or fines as a result of his/her use of a Town vehicle.
9. An employee driving a Town vehicle on Town business may claim reimbursement for parking fees and tolls actually incurred. Fuel for Town vehicles only shall be supplied by the Town's fuel tanks located at the Highway garage.

6.8-3b Personal Vehicles

1. Use of a personal vehicle by an employee on Town business must be approved in advance by the department head or governing board or committee. The employee is responsible for carrying adequate personal liability and property damage insurance for his/her vehicle. The Town's insurance only protects the Town and does not protect the employee against personal injury or property damage liability.
2. An employee who uses a personal vehicle for approved business purposes will receive a mileage allowance at a rate to be determined by the Board of Selectmen. This allowance is to compensate for the cost of fuel, oil, depreciation, insurance, and all other costs associated with operating the vehicle. The Town will not provide any other reimbursement to the employee for personal injury or property damage costs or insurance coverage, including surcharges, nor any other expenses incurred as a result of the use of a personal vehicle.
3. Travel expenses between the employee's home and work location are not reimbursable. If travel is required from home to a third location for business purposes, then to work or vice versa, reimbursement will be the difference between the mileage from the home to work and the total miles driven on business.

6.8-3c All Vehicles

1. Employees must report any accident, theft, or damage involving a Town vehicle or a personal vehicle used on Town business to their supervisor and to the Town Administrator, regardless of the extent of damage or injuries. Such reports must be made as soon as possible but no later than one business day after the incident. Employees are expected to cooperate fully with authorities in the event of an accident.
2. **INSURANCE CARRIER REQUIREMENTS FOR DRIVERS OF TOWN VEHICLES**

Drivers of Town vehicles must have a current, valid driver's license.

Drivers of Town vehicles may not:

1. Have a driver's license under suspension or revocation, or
2. Within the last five years, have been convicted of vehicular homicide, auto-related fraud, or auto theft, or
3. Within the last three years, have been convicted of any category of driving under the influence of alcohol or drugs.

6.8-4 Travel Reimbursement

Authorized travel expenses shall be reimbursed by the town after expenses have been submitted in sufficient detail on a reimbursement form.

6.8-5 Conferences and Meetings

Employees may receive reimbursement, subject to any state statutory requirements, for attending conferences or meetings sponsored by institutions or professional organizations for which the subject matter relates directly to the employee's position or provides beneficial information to enhance departmental operations. Prior approval of the department head is necessary and total expenses must be within departmental budget limits.

6.8-6 Professional Memberships

Approval of a town-sponsored membership in an appropriate professional organization will be the responsibility of the employee's department head, subject to the availability of funds.

6.8-7 Publications

Approval of town-paid subscriptions to any appropriate professional publications must be approved by the employee's department head, subject to the availability of funds.

6.8-8 Reimbursement for Expenses

Reimbursement of all personally incurred expenses for Town business, such as materials and services, and including the use of a personal automobile, shall be vouchered to the Town as soon as possible, but no later than seven calendar days after the end of a quarter in which the expenses were incurred. Receipts for such expenses shall be provided with the expense voucher.

For personal automobile use, destination and purpose shall accompany the travel reimbursement voucher. Reimbursement will be at a mileage rate established by the Board of Selectmen. Requests for reimbursement must be approved by the employee's supervisor on a form that displays the date the travel occurred; the beginning and ending odometer reading; the destination; and the reason for travel and number of miles traveled.

7.0 Personnel Appraisal

7.1 Performance Appraisal System

The Board has adopted a performance appraisal system for town employees. The purpose of the performance appraisal system is for the appointing authority or supervisor

to communicate what is expected of each employee and to provide direct, constructive feedback on the employee's performance. Appraisals are performed at the end of the fiscal year. The appointing authority is also encouraged to perform a mid-year appraisal.

This review will determine whether an employee is eligible for a step increase. If an employee's performance does not warrant such an increase, then appropriate remedial action, including disciplinary action where appropriate, should be considered by the department. All annual salary increases become effective July 1st.

The appointing authority or department head shall submit a copy of an employee's performance appraisal to the Town Administrator.

8.0 Americans with Disabilities Act

8.1 The Americans with Disabilities Act (ADA) and Massachusetts General Laws Chapter 151B are comprehensive civil rights law specifically for individuals with physical and mental disabilities. The Town will provide reasonable accommodations to those employees in need of assistance upon receipt of appropriate medical documentation. Please contact your supervisor or appointing authority to discuss any needs for accommodation.

Attachment A

Department of Employment and Training Notices

Massachusetts General Laws, Chapter 151A § 62 contain several requirements regarding the availability of Unemployment Insurance benefits to employees through the Massachusetts Division of Employment and Training (DET). Details regarding these requirements can be found on the DET website at www.detma.org. The specific items to be posted or disseminated are listed below and these materials can also be found and downloaded through the DET website.

The DET poster entitled “Information on Employee’s Unemployment Insurance Coverage” (Form 2553-A, Rev.4-02) must be displayed at each site operated by an employer in a conspicuous place accessible to all employees. The poster must include the name and mailing address of the employer and the identification number assigned to the employer by the Division of Employment and Training. This Form can be found at: <http://www.detma.org/forms/empforms1.htm>.

Under the state’s Employment and Training Law, employers are required to give a copy of the pamphlet entitled “How to File for Unemployment Insurance Benefits” (Form 0590-A, Rev.02-03) to each employee who is separated from work, permanently or temporarily for seven or more days. The pamphlet must include the name and mailing address of the employer and the identification number assigned to the employer by the Division of Employment and Training. This form can be found and downloaded at: <http://www.detma.org/forms/empforms1.htm>.

The DET website also contains a listing of all DET TeleClaims numbers and Walk-in Service Center locations throughout the Commonwealth which can be provided to employees. It also contains a direct link to Chapter 151A of the General Laws of Massachusetts governing how the unemployment insurance program operates in Massachusetts.

Attachment B

REFERENCE CHART REGARDING PERMISSIBLE INQUIRES

TOPIC	EMPLOYERS MAY ASK	EMPLOYERS MAY NOT ASK
Age	<p>Generally; the only proper question is, "Are you under 18, yes or no?"</p> <p>Questions about age may be allowed if necessary to satisfy the provisions of a state or federal law (for example, certain public safety positions have age limits for hiring and retiring). Also, if the Commission has previously identified age as a bona fide occupational qualification for the position.</p>	<p>Inquiry into the date of birth or age of an applicant, except as indicated to the left.</p>
Disability/ Handicap		<p>Inquiry into whether the applicant has a physical or mental disability, handicap or about the nature or severity of the disability/handicap.</p> <p>Inquiry into whether an applicant is alcoholic or drug addicted.</p> <p>Inquiry into whether an applicant has AIDS.</p>
National Origin/ Ancestry/ Citizenship	<p>"Are you legally authorized to work in the United States?"</p> <p>An employer may require an employee to produce documentation which evidences his or her identity and employment eligibility under federal immigration laws.</p>	<p>Inquiry into the birthplace of an applicant or the birthplace of his or her parent(s), spouse and/or other close relatives.</p> <p>Inquiry into the national origin ancestry or ethnicity of an applicant.</p> <p>Inquiry into whether an applicant for employment or an applicant's parent(s), and/or spouse are nationalized or native born citizens of the United States.</p>

Medical Examinations	Once an offer of employment has been made, an employer may condition that offer on the results of a medical examination conducted solely for the purpose of determining whether the employee, with or without reasonable accommodation, is capable of performing the essential functions of the job.	
Race/Color	No questions.	Inquiry into the race or color of a applicant.
Photograph	No questions.	An employer cannot ask for photograph to accompany an application.
Religious Creed	No questions, except by religious organizations as provided in 804 CMR 3.01(7) (a).	Inquiry into the religious denomination or practices of an applicant, his or her religious obligations, or what religious holidays he or she observes.
Sex (Gender)	Generally, no questions. However, questions regarding gender may be permissible if they relate to a bona fide occupational qualification, which has been ruled to be a legitimate requirement for a particular position, as provided in 804 CMR 3.01(3) (b)3..	Inquiry into an applicant's maiden name or any question that pertain to only one sex (for example inquiries into marital status only asked of women). Inquiries into whether applicant has children, plans to have children, or has child care arrangements.
Sexual Orientation	No questions.	Inquiry into applicant's sexuality (gay, bisexual, lesbian, heterosexual).
Criminal Record	Employers may ask the following series of questions: 1. Have you been convicted of a felony? Yes or no? 2. Have you been convicted of a misdemeanor within the past five years (other than a first conviction for any of the following misdemeanors:	It is unlawful for an employer to make any inquiry of an applicant or employee regarding: 1. An arrest, detention or disposition regarding any violation of law in which no conviction resulted; 2. First convictions for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations, affrays or disturbance of the

drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)?
Yes or no?

peace. For the purposes 804 CMR 3.02 minor traffic violations include any moving traffic violation other than reckless driving, driving to endanger and motor vehicle homicide.

3. Have you completed a period of incarceration within the past five years for any misdemeanor (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)?
Yes or no?

3. Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting therefrom, which ever date is later, occurred five or more years prior to the date of such inquiry, unless such person has been convicted of any offense within five years immediately preceding the date of the inquiry.

4. If the answer to question number 3 above is "yes" please state whether you were convicted more than five years ago for any offense (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)?
Yes or no?

Some employers are authorized to request, receive, view and/or hold criminal offender record information pursuant to state or federal law.

No person shall be held under any provision of any law to be guilty of perjury or of otherwise giving a false statement by reason of his failure to recite or acknowledge such information as he has a right to withhold by 804 CMR 3.02.

Any inquiry into the criminal record of an applicant must also contain language pursuant to M.G.L. c. 276, s. 100A.

Education/
Experience/
References/
Organizations

Inquiry into the academic, vocational or professional education of an applicant for employment. Inquiry

Questions about education designed to determine how old the applicant is.

into the work experience shall also contain a statement that the applicant may include in such history any verified work performed on a volunteer basis. Inquiry into the organizations which the applicant for employment is a member, the nature, name or character of which would likely disclose the applicant's protected class status.

Inquiry into references.

Lie Detector
Test

No questions.

It is unlawful to require administer a lie detector test as a condition of employment or continued employment.