

FOXBOROUGH
PERSONNEL & POLICY GUIDE



September 2022

AMENDED & ADOPTED BY THE SELECT BOARD September 12, 2022
ADOPTED BY THE SELECT BOARD June 8, 2021

TABLE OF CONTENTS

Section 1: Purpose & Authorization	3
Section 2: Application	3
Section 3: Definitions	3
Section 4: Employment Practices	6
A. Equal Employment Opportunity Statement	6
B. Termination.....	8
Section 5: Conduct & Working Conditions	8
A. Americans with Disabilities Act.....	8
B. Equal Employment Opportunity, Discrimination & Sexual Harassment Policy	9
C. Pregnant Workers Fairness Act.....	13
D. Workplace Violence Policy	14
E. Standards of Conduct/Civility Policy	16
F. Conflicts of Interest/Ethics.....	17
G. Social Media Policy	17
H. Vehicle Use Policy.....	21
I. Substance Abuse Policy.....	28
J. Criminal Offender Record Information (CORI) Policy.....	29
Section 6: Benefits	33
A. Eligibility.....	33
B. Vacation Leave	33
C. Personal Leave.....	34
D. Holidays	35
E. Longevity Pay.....	35
F. Insurance	36
G. Sick Leave.....	37
H. Statutory Family, Medical and Personal Leave Act.....	39
I. Bereavement.....	40
J. Court Leave.....	40
K. Military Leave.....	40
L. Education Reimbursement	40
M. Certification Incentive	40

Section 7: Compensation Provisions & Wage Schedule.....	41
A. Wages.....	41
B. Provisions.....	41
Appendix A. Consolidated Personnel By-law	46
Appendix B: Electronic Communications & Computer Use Policy.....	50
Appendix C. Wage and Salary Schedule for Non-Union, Non-Contractual Employees....	54

** The policies and procedures outlined herein are subject to change without notice provided that the changes are made in accordance with federal and state laws and Town Bylaws. The Town of Foxborough, Massachusetts reserves the right to lay off any employee whenever such action becomes necessary by reason of shortage of funds, lack of work, the abolition of a position, a material change in duties or organization, or for any other appropriate reasons. **It is not the intent of the Town to grant any employee any contractual commitment expressed or implied by the adoption of these policies and procedures and no employee should have any expectation of continuing employment based on anything contained in these policies and procedures.**

Section 1: Purpose & Authorization

Consistent with the provisions of the Town's Consolidated Personnel By-law (see Appendix "A" and herein referred to as the "CPB") the purpose of the following policies and procedures are to establish fair and equitable personnel practices throughout the Town of Foxborough's workforce. The CPB was adopted in 2017 pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Laws, Chapter 41, Sections 108A and 108C. The classification and compensation plans in effect at the time of adoption of the CPB have continued in full force and effect until otherwise amended or superseded pursuant to the provisions of Section 6 of the CPB. Moreover, the following definitions and policies are provided to offer detail and specificity to the application of the CPB. Interpretation and application of the CPB and these complimentary Personnel Policies and Procedures are made exclusively by the Town Manager who may, as necessary, be advised by the Town's legal counsel and/or the Personnel Board regarding the application of any specific condition or conditions contained herein.

Section 2: Application

All Town departments and positions shall be subject to the provisions of the CPB and these Personnel Policies contained herein **except** elected officers, employees with personal contracts, and employees of the school department. To the extent that any Town employee is subject to a collective bargaining agreement, in the event of a conflict and/or an inconsistency between said agreement and this Bylaw, then said agreement shall govern the terms and conditions of that employee's work.

Section 3: Definitions

As used in conjunction with the CPB and these Policies, the following terms shall have the meaning indicated:

Employee: Any person who is paid by the Town for services rendered to the Town, excluding elected officials, independent contractors and persons under the direction of the School Department.

Employees covered by the CPB are considered employees at will.

Regular Full-time Employee: Any employee who is employed no less than thirty five hours per week, five days per week for fifty-two (52) weeks per year.

Regular Part-time Employee: Any employee who works at least 20 hours but no more than 34 hours per week, five days per week for 52 weeks per year; or less than a normal work week for the department or position in which that person is employed.

Part-time Employee: Any employee who works or averages no more than 19 hours per week for 52 weeks per year.

Seasonal Non-Benefit Employee: Any employee whose duration of employment with the Town is of a seasonal nature, or a specified limited amount of time, but less than that of a part-time employee.

Employee at Will: Shall mean that the individual has no contractual right to their employment and may be dismissed for any reason; or no reason (other than for discriminatory reasons) by the employer.

Average Daily Hours: The number of hours budgeted and worked in a week, divided by 5 days for fifty-two weeks and then used to determine employee benefits, i.e. vacation days, sick days, personal days and holidays.

Continuous Service: Length of employment with the Town of Foxborough as a regular full-time or regular part-time employee for an uninterrupted period of time; except for authorized military leave, vacation leave, sick leave, court leave, family leave, or any other legally authorized leave of absence .

Fiscal Year: The period of time from July 1 to the following June 30, both dates inclusive. Pay periods are bi-weekly in any fiscal year and shall be determined by the number of Saturdays in that year.

Key Employment Dates

Date of Hire: Assuming continuous service with the Town, the date an employee is initially hired by the Town in any capacity

Anniversary Date: Shall mean the date which is no less than one full-year after the date of initial appointment to the currently held position. This date will be used for subsequent full-year employment cycles to determine the following:

1. Step Rate Promotion Date – Shall mean the annual anniversary date that an employee is eligible for consideration to move to the next step of their pay grade. Awarding of the next step is contingent upon the employee receiving an acceptable performance review and that the employee has not reached the top step of their pay grade.
2. Promotion Date – Movement of an employee into a higher pay grade and/or classification. This date also establishes a new anniversary date for an employee to be considered for an increase to the next pay step of their pay grade; subject to the considerations described in Section 3.B.1 above.

Job Classification: A particular job title within the Wage and Salary Schedule for Non-Union or non-contracted Personnel.

Promotion: Shall mean a change from a lower job grade to a higher job grade.

FLSA Exempt Employee: An employee who is exempted from the provisions of the federal Fair Labor Standards Act who is not eligible for overtime and is paid a salary. This employee is not required to work a specified number of hours of work on a daily or weekly basis, but who generally works 40 or more hours per work week.

Step Rate Increase: Shall mean advancement in the same job grade from one rate to the next.

Seniority: Seniority shall begin upon the original date of employment and shall be computed according to the employee's level of continuous service, as defined above. Seniority may be a consideration by the Department Head and/or the Town Manager in determining vacation use, promotions or layoff and recalls; but it is not the only consideration in making such determinations.

New Hire Rate: All new employees will generally be hired at Step 1 of the position pay grade. Hiring above Step 1 will be subject to the approval of the Town Manager (e.g. for a lateral hire from another community or other reason as determined by the Town Manager).

Sick Leave: Any time during which an employee is absent from work due to illness or injury and for which the employee is allowed to receive pay through the use of accumulated sick leave hours.

Absence: Any time an employee is not at work when the employee is scheduled to work.

Absence with Pay: Time spent on approved vacation leave, sick leave, personal leave, bereavement leave or holidays.

Short-term Leave of Absence Without Pay: Any absence from work of up to two (2) days which may not be appropriately charged to any paid time off, such as vacation leave, personal leave, sick leave or holidays. Such absence must be approved by the Department Head. An employee may not be absent without pay for more than two (2) days per fiscal year without the approval of the Town Manager or his/her designee.

Long-term Leave of Absence Without Pay: A Long-term Leave of Absence Without Pay is an absence of three (3) or more days from work that may be granted to an employee with the prior approval of both the Department Head and the Town Manager. The request shall contain specific reasons or circumstances for the Leave. Once application is made by the employee to the Department Head, (or in the case of a Department Head, application to the Town Manager) the application shall be presented to the Town Manager and he/she shall notify the applicant of the decision. Decisions on such leave shall normally be made within 48 hours of the application; unless there are mitigating circumstances that prevent the Town Manager from making the decision.

Unauthorized Absence: Any unauthorized absence by an employee shall be considered job abandonment and may result in dismissal by the Town Manager.

Administrative Leave: A category of paid leave approved only by the Town Manager and most commonly used while a work-place investigation is being performed. An employee placed on administrative leave shall remain on such leave until the results of the employee's investigation has been determined, unless otherwise directed by the Town Manager.

Appointing Authority: Shall mean any person(s), Board or Committee, including the Town Manager and/or a Department Head, who has the right to hire and fire a given employee. Such authority is determined by the Foxborough Town Manager Act, the Town's By-laws or any other applicable State or Federal laws.

Disciplinary Action: Disciplinary Action is an action that may be taken against any employee for violation(s) of the CPB, any provision of these Policies, other Town policies, Town By-laws, applicable rules or regulations or any applicable State and Federal law(s). Disciplinary action may also occur if the employee fails to satisfactorily perform the duties of the position to which they are

assigned. No Disciplinary Action may occur without the approval of the Department Head who shall confer with the Human Resources Office before any disciplinary action is taken. Human Resource staff may confer with legal counsel and/or the Town Manager, as necessary, before any disciplinary action is administered.

Attendance Record: Department Managers (or their designees) will track attendance for all employees. For assistance in tracking attendance the Human Resources Office shall provide a method or means for tracking this information. A Department Manager (or designee) will then enter this information into the system. This procedure will apply each time a request is made for time off. The attendance system will be monitored by both the Human Resources Office and the Finance Department for accuracy.

Prior to June 30th of each Fiscal Year, the Department Manager will review the employee's attendance with the employee. Both the Department Manager and the employee will verify and confirm that the information contained in the attendance tracking system is accurate.

It is the policy of the Town that Sick, Personal and Vacation leave will be taken in no less than half-hour increments.

Human Resources Director: Unless someone else is designated by the Town Manager to fulfill this role, the Assistant Town Manager shall serve as the Town's Human Resources Director. He/she shall provide personnel management services to Town Departments; advise Town officials on human resources policy, practices and procedures; maintain liaison with the Personnel Board, see that employees' interests and rights are protected and recommend changes to the Town's human resources policies, practices, and procedures for review and consideration by the Personnel Board and approval by the Select Board.

Safety Committee: There shall be a Town-wide Safety Committee comprised of at least one representative from each Town and School facility. The Committee shall meet on a regular basis with the Town's insurance representatives to review, identify and evaluate claims and safety matters and to recommend training for employees. If any unsafe areas, processes, conditions and/or safety problems are identified by the Safety Committee, they shall be reported to the Town Manager for action and follow up. The Town Manager or his/her designee shall serve as the ex-officio Chair of the Safety Committee.

Employee Benefits: Any benefits that a Regular Full-time Employee or Regular Part-time Employee are entitled to, as detailed by the CPB, this Guide, By-Law, Policy, State or Federal Law.

Immediate Family: A spouse, child, legal ward, parent, sister or brother, grandparent, grandchild, a member of the immediate household, or spouse's immediate family.

Section 4: Employment Work Rules and Actions

A. Disciplinary Policy

All employees are responsible for observing work rules and regulations that are necessary for the proper operation of Town Departments. Disciplinary action shall be the responsibility of supervisors, department heads and appointing authorities, who shall review all disciplinary actions with the Human Resources Office prior to exercising such action. In some instances,

the Town's legal counsel may also be consulted to assure that any contemplated action has been thoroughly considered before being taken. The following list of actions or behaviors is intended to serve as a guideline for determining when disciplinary action is appropriate. The level of disciplinary action (if deemed necessary) will be measured against a host of different factors that are dependent on the circumstance(s) associated with the incident(s). **This disciplinary policy does not constitute a contract or grant any contractual rights to employees.**

The following list of unacceptable conduct, which may be subject to discipline, is illustrative only and shall not be considered to be all inclusive:

- Incompetence, inefficiency or negligence in the performance of assigned duties
- Inability (with or without reasonable accommodation) to perform one or more essential elements of the position
- Abuse of sick leave
- Absence without authorized leave
- Violation of safety rules, practices and policies
- Refusal to perform a reasonable amount of work as assigned
- Violation of any lawful, official order
- Failure to carry out any lawful directions made by a supervisor
- Habitual tardiness or absence from duty without authorization
- Falsification of time sheets or any other official records
- Use or possession of illegal narcotics or alcohol while on duty (See Substance Abuse Policy)
- Theft, misuse, negligence, destruction or unauthorized use of Town property or use of Town property for personal gain
- Fraud
- Disclosure of confidential information
- Conviction of a felony
- Engaging in discriminatory or harassing behavior, including, but not limited to, sexual harassment. Specific examples of such illicit behavior is described in Section 5 B.
- Failure to adhere to, or engaging in activities prohibited by, Town bylaws, rules and regulations, policies, Charter, ordinance or State and Federal law(s)
- Insubordination
- The use of abusive language toward another employee or the public
- Engaging in threatening or violent behavior
- Violation of the MA Ethics Law
- Falsification of records or use of official position for personal advantage
- Any other situation or instance of inappropriate conduct that disciplinary action could reasonably deter.

Disciplinary action may include a verbal reprimand, written reprimand, adherence to a corrective action plan, suspensions and/or discharge, depending on the nature and severity of the infraction. Disciplinary action may be commenced at any of these levels, as deemed appropriate by the responsible supervisory authority. All discipline will be documented in the employee's personnel file, including, without limitation, verbal reprimands.

B. Termination

Employment with the Town has no specified term or length. Employees are free to resign at any time, though under most circumstances, they are encouraged to provide reasonable notice of such action; preferably two weeks or more depending on the nature of the position that the employee holds. The Town reserves the right to terminate employment for any reason permissible by law. **All employees, except contract employees, are considered employees at will.**

All separations of employees shall be designated as one of the following types and accomplished in accordance with the manner indicated:

- Resignation
- Layoff
- Disability
- Death
- Retirement
- Dismissal

At the time of separation and prior to final payment, all records, assets, or other items of Town property in the employee's custody shall be transferred to the appropriate department.. Employees who separate from the Town service shall receive payment for all earned wages/salary and vacation leave, subject to normal deductions and any indebtedness.

Section 5: Working Conditions

A. Americans with Disabilities Act

The Town of Foxborough fully supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair discrimination on the grounds of disability, and furthermore is committed to upholding the requirements spelled out in the Americans with Disabilities Act https://www.ada.gov/regs2010/titleII_2010/titleII_primer.pdf . No applicant or employee shall receive less favorable treatment because of disability. The Town of Foxborough will provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause an undue hardship. This accommodation may include a change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. An employee or applicant with a disability may request a reasonable accommodation, verbally or in writing, at any time during the application process or during the period of employment. A reasonable accommodation should be requested when the employee knows that there is a workplace barrier that is preventing him/her, due to a disability, from effectively competing for a position, performing an essential job function, or gaining equal access to a benefit of employment. The Director of Human Resources and the employee with a disability will engage in an informal process to clarify individual needs and identify the appropriate reasonable accommodation, and the Town may request reasonable and relevant information and documentation or require a medical examination as necessary.

B. Equal Employment Opportunity, Discrimination, and Sexual Harassment Policy

It is the policy of Foxborough ("the Employer") to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination (including harassment), whether based upon race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, gender identity, active military status, or another basis prohibited under state or federal anti-discrimination statutes, will not be tolerated. To achieve our goal of providing a workplace free from discrimination, we will implement the procedure described below to address any potential inappropriate conduct.

This policy applies to all employment practices and employment programs sponsored by the Employer. This policy shall apply, but not be limited to, the areas of:

- Recruitment,
- Selection,
- Compensation and benefits,
- Professional development and training,
- Reasonable accommodation for disabilities or religious practices,
- Promotion,
- Transfer,
- Termination,
- Layoff, and
- Other terms and conditions of employment.

This policy may apply to discrimination (including harassment) that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media). When the conduct complained of occurs outside of the workplace, the Employer may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this policy:

- whether the event at which the conduct occurred is linked to the workplace in any way, such as at an Employer-sponsored function;
- whether the conduct occurred during work hours;
- the severity of the alleged outside-of-work conduct;
- the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
- whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

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

Please note that while this policy sets forth the Town's goals of promoting a workplace that is free of discrimination and harassment, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless if that conduct satisfies the legal definitions of discrimination or harassment.

Examples of Prohibited Discriminatory Behaviors

It is not possible to list all the circumstances that may constitute discrimination in violation of this policy. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted in the first paragraph above: slurs or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures, and; any conduct constituting sexual harassment.

Definition of Sexual Harassment: In Massachusetts, the legal definition for sexual harassment is this:

"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;

or,

- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. The victim or complainant as well as the harasser may be male or female. The victim or complainant does not have to be of the opposite sex. The complainant does not have to be a person directly harassed, but may be someone affected by the offensive conduct.

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

- Unwelcome sexual advances - whether they involve physical touching or not;

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

Special care should be taken with respect to one's conduct and comments in the presence of minors. As a general rule, all conduct or comments of a sexual nature in the presence of minors shall be considered a violation of this policy, whether or not such conduct or comments are unwelcome.

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

Complaints of Sexual Harassment

If any of our employees believes that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting Town Manager or if you prefer, you may file your complaint with the Assistant Town Manager. Both the Town Manager and Assistant Town Manager can be reached at (508)543-1219. These persons are also available to discuss any concerns you may have and provide information to you about this policy and our complaint process.

Sexual Harassment Investigation

When a complaint is received, the allegation will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

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

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation.

Complaints Concerning Other Forms of Discrimination and/or Harassment – Complaints alleging forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with Sections 4 and 5 above.

Retaliation

Any retaliation against an individual who has formally or informally complained about discrimination (including harassment), or has cooperated with an investigation of a discrimination complaint, is prohibited.

Retaliation can be overt or subtle. Retaliation may include, but is not limited to, treating a complainant or witness differently, more harshly or in a hostile manner; physical interference with movement such as blocking a path; derogatory comments or action which would tend to have a chilling effect on other complainants; sudden investigations of the complainant's private life, or; sudden strict enforcement of work rules. Retaliation in any form will not be tolerated.

Disciplinary Action

If it is determined that discrimination, harassment, retaliation, or other inappropriate conduct has been committed by one of our employees, the Employer will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions, up to and including termination of employment.

State and Federal Remedies

In addition to the above, if you believe you have been subjected to unlawful discrimination and/or harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

- (a) The United States Equal Employment Opportunity Commission

John F. Kennedy Federal Building 475 Government Center
 Boston, MA 02203
 Phone: (800) 669-4000
 TTY: (800) 669-6820

- (b) The Massachusetts Commission Against Discrimination

<p>Boston Office One Ashburton Place Sixth Floor, Room 601 Boston, MA 02108 Phone: 617-994-6000 TTY: 617-994-6196</p>	<p>Springfield Office 436 Dwight Street Second Floor, Room 220 Springfield, MA 01103 Phone: (413) 739-2145</p>
<p>Worcester Office Worcester City Hall 455 Main Street, Room 100 Worcester, MA 01608 (508) 799-8010 (508) 799-8490 – FAX</p>	<p>New Bedford Office 800 Purchase St., Rm 501 New Bedford, MA 02740 Phone: (508) 990-2390 (508) 990-4260 - FAX</p>

Reasonable Accommodation – Employees seeking reasonable accommodations may submit their request in writing to either Town Manager or Assistant Town Manager at 40 South Street, Foxborough MA, 02035.

C. Pregnant Workers Fairness Act

The Pregnant Workers Fairness Act (“the Act”) amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy related conditions and have an obligation to accommodate pregnant workers.

Under the Act

- Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an “interactive process,” and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.
- An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.
- An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.
- An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee’s request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space, for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.
- Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.

- Employers must also provide written notice of employees' rights under the Act: (1) to new employees at, or prior to, the start of employment; and (2) to an employee who notifies the employer of a pregnancy or a pregnancy-related condition, no more than 10 days after such notification.

The foregoing is a synopsis of the requirements under the Act, and both employees and employers are encouraged to read the full text of the law available on the General Court's website here: <https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter54>. In the event of any conflict between what is contained in this Guide and the statute, the terms of the statute apply.

If you believe you have been discriminated against on the basis of pregnancy or a pregnancy-related condition, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

D. Workplace Violence Policy

Purpose

This Policy establishes the standards, procedures and safeguards that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; reduce the potential for violence in and around the workplace; mitigate the negative consequences for employees who experience or encounter violence in their work lives; and ensure that appropriate resources are available to employees who may be victims of workplace violence.

Application

This Policy shall apply to all employees of the Town of Foxborough, excluding those employees under the supervision and control of the School Committee. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

Definitions

Workplace Violence includes, but is not limited to, intimidation, threats, physical attack, domestic violence or property damage and includes acts of violence committed by Town employees, clients, customers, relatives, acquaintances or strangers against Town employees in the workplace. Violent behavior can include actions or communications in person, by letter or note, telephone, fax or e-mail. Incidents of workplace violence may be acted out individually or take place between employees, employees and clients/residents, employees and acquaintances/partners and employees and the general public.

Intimidation is engaging in actions that include, but is not limited to, stalking or behavior intended to frighten, coerce, or induce duress.

Threat is the expression of an intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future. Threats need not be made in person, but can be made through any means, including but not limited to via telephones or electronically (e.g., via the Internet, e-mail, social media sites or blogs, etc.).

Physical Attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

Domestic Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, lived together or dated.

Property Damage is intentional damage to property and includes property owned by the Town, employees, visitors or vendors.

Policy

It is the Policy of the Town to promote a safe environment for its employees. The Town is committed to working with all employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously, and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution. Such employees may also be subject to disciplinary action, up to and including termination from employment.

It is a violation of this Policy to:

- Engage in workplace violence as defined herein;
- Use, possess or threaten to use a weapon during a time covered by this policy, even if the employee has a License to Carry a Firearm, and
- Misuse authority vested in any employee of the Town in such a way that it violates this Policy.

Procedure

Employees who observe or who are the victim of violent behavior by anyone on Town property or while engaged in Town business shall report the incident immediately to a supervisor or department head and/or Assistant Town Manager, whether or not the alleged offender is a Town employee. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department.

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

The Town Manager or his or her designee shall be responsible for responding promptly and appropriately to any report of violence in the workplace and conducting an investigation into the alleged incident, when necessary.

Workplace incidents involving emergency and/or criminal activity will be referred to the Police Department for investigation in appropriate circumstances. An administrative investigation may be conducted by the Town Manager concurrent with any criminal investigation, in cooperation

with the Police Department. The Town Manager will conduct administrative investigations in a confidential manner, to the extent practical.

Employees who are victims of or witnesses to workplace violence may contact the Town's Employee Assistance Program (EAP) for counseling, emotional support, and assistance in developing a personal safety plan in the event of workplace violence.

Sanctions

Any employee who is found to have violated this Policy will be subject to disciplinary action, up to and including termination from employment. An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including dismissal, in appropriate circumstances.

E. Standards of Conduct/Civility Policy

The Town of Foxborough municipal government desires to set a standard of the highest professionalism, civility and respect for employees, volunteers, residents and visitors through personal interactions and any other methods of communication. Additionally, as the controlling governmental body of the Town of Foxborough, the Select Board shall model this behavior for the Town.

Accordingly, no employee, member of a Board, Commission or Committee, or any other person engaged by or acting on behalf of the Town of Foxborough, shall enter into any verbal discussions or other form of communication by any means without employing the highest standards of personal integrity, truthfulness, honesty, civility and fairness in carrying out his or her public duties. Failure to do so is a violation of this policy.

Definitions/Standards

Civility: Respect and civility, from all employees, volunteers, those representing the Town, and those in attendance at any Town function, shall be maintained at all times, including and especially during public meetings. Public meetings are to be free from disrespect, creating a public embarrassment, and/or personal attacks on any person whether present or absent from the proceedings. Town Officials and employees, as well as the public, shall be free to express their ideas-- as is their right-- without the threat of harassment and/or intimidation. All persons, as mentioned, shall not be verbally or physically accosted for any reason, at any time. While disagreements about issues are acceptable, becoming disagreeable is not.

Integrity: No promises or commitments that cannot be reasonably and lawfully fulfilled shall be made by any party working for or representing the Town of Foxborough. Appropriate social, ethical, and organizational norms in all Town related activities shall be maintained at all times. Acting with integrity includes a commitment to honesty, truthfulness, fairness, follow-through and completing tasks and duties to the highest standard possible.

Respect: All persons shall be treated in a fair and equitable manner, without exception. No employee, member of any board, commission or committee, or person representing the Town of Foxborough, shall at any time for any reason raise his/her voice, demean, or purposefully embarrass any person in any Town building, on any Town property, or at any meeting, presentation, or event sponsored by the Town. It is expected that any person doing business in Town buildings or at a Town event shall be similarly respectful to all others in attendance and those responsible for the event.

Ethics: The highest standards of professional behavior and compliance with all Commonwealth of Massachusetts and Ethics Commission laws, regulations, and policies under which we operate as a Town, shall be maintained at all times.

Communications: All parties mentioned above shall strive to be open, consistent, truthful, and respectful in all communications, written and verbal, as this is vital for reflective and sound decision-making for our community. There will also be a commitment to confidentiality of privileged communication that occurs in Executive Sessions and/or involves matters related to personnel, collective bargaining and threatened, pending or ongoing litigation.

Teamwork: The Town, including all Departments, Boards, Commissions, Councils, Committees, and other public bodies, shall promote an atmosphere of teamwork and mutual respect to achieve organizational goals, recognizing at all times that unity of purpose and effort leads to productivity and greater accomplishments for our Town.

Enforcement

While it is expected that everyone will abide by the code of conduct and remind colleagues and peers of their obligations, it is the responsibility of Committee, Commission and Board Chairs as well as the Town Manager and Department Heads to enforce the code of conduct.

Violations will not be tolerated and may result in disciplinary action.

Reporting

Employees shall report violations to their supervisors and/or the Assistant Town Manager.

F. Conflicts of Interest/Ethics

All employees shall comply with the State Conflict of Interest Law in all respects. Every two years, all current municipal employees must complete online training. New employees must complete this training within 30 days of beginning public service, and every two years thereafter. Upon completing the program, employees should print out the completion certificate and keep a copy for themselves. Employees will be required to provide a copy of the completion certificate to the Town Clerk.

G. Social Media Policy

The Town of Foxborough (the “Town”) depends upon a work environment of tolerance and respect for the achievement of its goals in serving the citizens of the Town.

Purpose

The purpose of this policy is to provide notice to Employees of the Town that their use of social media must conform to the law and this policy. This policy is designed to promote and govern the professional and personal use of social media in a responsible manner and to avoid uses that can: (1) breach confidentiality by revealing protected information about the Town, its citizens, or its employees; (2) expose the Town to legal liability for employer or employee behavior that may be false, deceptive, libelous, slanderous, offensive, or malicious, misleading or causes harm to others, including speech that constitutes hate speech or harassment; or (3) interfere with productivity and/or ability to perform the duties and responsibilities as Employees of the Town, and 4) cause actual harm or disruption to the operations of the Town.

Definitions

The Town: Town of Foxborough.

Officials: Individuals who hold office in the Town, whether elected or appointed.

Employees: All persons employed by the Town regardless of position.

Users: Employees of the Town (individuals or groups) who use, direct, or control a social media account.

Social Media: Online forums in which Users participate in the exchange of ideas, messages, and content, including blogs, microblogs, and social networking sites (e.g., Facebook, LinkedIn, Twitter).

Electronic Media: All forms of electronic communication, transmission, or storage, including but not limited to, websites and any content contained therein or related thereto.

Hate Speech: Speech that attacks a person or group on the basis of attributes including race, ethnic origin, national origin, skin color, gender (including status as pregnant or nursing), religion, disability, age, gender identification, or sexual orientation or any other status or classification afforded protection under federal, state or local law or policy, indicating a level of intolerance or hostility that is incompatible with a commitment to serve all members of the community.

General Provisions

While employees may maintain and use personal web pages and websites, blogs, microblogs, social networking sites and other forms of social media while off-duty, their status as employees of the Town requires that the content of any postings on those social media sites or other web pages not be in violation of existing Town by-laws, policies, directives, rules or regulations. The Town's image as a professional organization comprised of professional employees is key to maintaining the respect of its constituents. Although the Town recognizes that employees may choose to express themselves by posting personal information upon electronic media sites through personal websites, social networking sites, blogs, microblogs, chat rooms, or other electronic means or by making comments upon electronic sites hosted by other persons, groups or organizations, this right of expression is not free from limitation. That is, while the Town acknowledges its employees have the First Amendment right to free speech that right is not absolute and extends only to matters of public concern. Therefore, employees must exercise caution with respect to comments they post in general, and in particular those concerning the Town, a particular department of the Town, and/or the Town's employees.

This section describes acceptable and unacceptable uses of all social media by Employees of the Town. Employees should use their best personal judgment when using any form of social media and must ensure that their use does not violate this or any other Town policy.

Employees' use of social media is also subject to the Town's Anti-Harassment and Anti-Discrimination Policy as well as the Town's other policies and standards of conduct, rules, regulations, and by-laws.

All use of social media must conform to the following regulations:

1. There is no guarantee of privacy for electronic communications. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communications systems. In accessing the Internet, including social media sites, users should assume that all connections and sites visited will be monitored and recorded. This examination helps to ensure compliance with Town policies, assists when internal investigations must be conducted and supports the management of the Town's information systems. Use of the Town's electronic communication devices, including but not limited to Town-issued email accounts, Internet services, Intranet, cell phone, smart phones, pagers, Town-owned lap tops and computers provided for remote use, and computer software constitutes acceptance of such monitoring.
2. All users are expected and required to conduct themselves in a manner consistent with the Town's policies and standards of conduct, including, without limitation, the Town's Code of Conduct/Civility Policy.
3. Users must not reveal any confidential or privileged information about the Town, its constituents, or its contractors. Users must be particularly careful to protect against the inadvertent disclosure of confidential information.
4. Users must not harass any other Employees in violation of the Town's Anti-Harassment and Anti-Discrimination Policy regardless of the time, place, form, or manner in which the information is posted or transmitted. Comments may be deemed to violate this Policy even if the Town's name or the names of any of its Employees are not posted in the comment.
5. Users must ensure that they are always honest and accurate when posting information or news, and if they make a mistake must correct it quickly. Users may not post any information or rumors they know to be false about the Town, fellow employees, constituents, suppliers, vendors, contractors or any other entities or individuals.
6. Users may express only their personal opinions and should never represent themselves as a spokesperson for the Town unless specifically designated by the Town. Members of the Police and Fire Departments in particular should be aware of the chain of command. A spokesperson for the Police and Fire Departments can only be authorized and designated by the Chief.

If the Town is a subject of the content created by an employee, the employee should be clear and open about the fact that he/she is an employee of the Town and should make it clear that his/her views do not represent those of the Town, fellow employees, suppliers, vendors, or any other agent of the Town. Users who publish blogs or other online posts related to the work they do or subjects associated with the Town must make clear that they are not speaking on behalf of the Town. Further, an employee's decision to express their personal opinions does not alleviate their responsibility as an employee to take appropriate action under the circumstances, which may include, but not be limited to, taking action themselves or reporting an issue to a supervisor.

7. Users are expressly prohibited from using social media to engage in any activity or conduct that violates federal, state, or local law (e.g., software or data piracy, child pornography, etc.).
8. Access to and use of social media must not interfere with a User's productivity and/or a User's ability to perform the duties and responsibilities of Employment with the Town. Access to and use of social media during work hours is limited to those utilizing social media for Town purposes as part of their job responsibilities. Personal access to or use of social media during work hours is prohibited, whether on Town information technology devices or personal devices.
9. Users are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its Employees.
10. Department heads and supervisors are expressly prohibited from using any review or recommendation feature or system on a social media site (e.g., LinkedIn) to post reviews or other comments about subordinate employees.

The Town specifically acknowledges that police officers and firefighters may be required to use social media to perform their job duties and that such use, subject to the direction and authorization of the respective Chief, is permissible although such use may otherwise appear to violate this Policy. Such actions, however, will not be deemed to violate this Policy provided the police officer or firefighter acts within the scope of his Chief's direction or authority.

This policy is not intended to interfere with employee rights under Massachusetts General Laws Chapter 150E.

The Town encourages anyone who uses social media in violation of this policy to be honest and admit the error as soon as it occurs. Although errors cannot always be erased, prompt notification can make a significant difference in the Town's ability to correct or remedy the issue.

Procedures

Complaints or Problems of Misuse – Should any Employee or official of the Town receive or become aware of a violation of this policy, the Employee should report the violation to the Assistant Town Manager.

The Town prohibits taking action against any employee for reporting a possible deviation from or violation of this Policy or for cooperating in an investigation. Any employee who retaliates against another employee for, in good faith, reporting a potential violation of this Policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Questions

Anyone who is unsure whether a particular posting or contribution to online social media violates this policy is encouraged to ask the Assistant Town Manager or, in the case of the Police and Fire Departments, the respective Chiefs.

Sanctions

Any User who violates this Policy shall be subject to appropriate discipline, up to and including termination of employment.¹ The Town intends to follow each provision of this Policy but reserves the right to change any provision at any time if circumstances warrant or require. A failure to enforce this Policy does not constitute a subsequent waiver of any violation of this Policy. This Policy shall be read and interpreted in conjunction with all other Town policies and procedures.

H. Vehicle Use Policy

It is the policy of the Town of Foxborough that certain positions require employee access to Town vehicles. This policy applies to all Town employees who are afforded the use of Town vehicles, excluding any employees who have contracts where other conditions are agreed upon.

The purpose of this policy is to establish guidelines and standards for:

- Vehicle Uses – Municipal, Personal, and Stipends
- Personal Vehicle Use for Work-Related Travel
- Municipal Vehicle Assignments
- Commuting and Imputed Tax
- Vehicle Accident Reporting
- Responsibilities When Driving a Municipal or a Personal Vehicle
- Policy Exemptions
- Safe Operation of Town Vehicles
- To Minimize Transportation Costs and Liability

The following procedures are considered to be minimum standards for Town vehicle use; Departments may develop more restrictive procedures. Any deviations from this policy or for circumstances as needed by employee's job requirements shall be approved by the Town Manager and/or designee.

Applicability

The entire policy applies to all General Government employees. Employee's whose employment is regulated by individual agreement or collective bargaining agreements are subject only to those portions of this policy that are not specifically regulated by law or agreement.

If any provision of this policy violates any governing law or regulation, or if any law or regulation applicable to this policy becomes operative after the effective date of this policy, then this policy shall be deemed changed to be in compliance with such governing law or regulation.

Definitions

Vehicle Stipend: the amount approved by the Select Board to compensate an employee for regular and routine use of a Personal Vehicle for work-related travel. Vehicle Stipends are considered a salary item and as such, are subject to taxation.

Expense Reimbursement: payment for approved expenses relating to Personal Vehicle use upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.

Municipal Vehicle: those automobiles, truck, vans, or other self-propelled equipment owned, rented, or leased by Town/City and licensed for travel on a public way.

Personal Vehicle: that vehicle owned or available for private use by the employee.

Commuting: the use of Municipal Vehicle for travel between the employee's residence and his or her principal work location. Under Internal Revenue Service (IRS) regulations, the benefit of using a Municipal Vehicle for commuting is considered taxable income to an employee and the value of the personal use of the Municipal Vehicle will be included in his or her compensation.

Vehicle Uses

Municipal Vehicles: It is the policy of the Town of Foxborough that certain positions require employee access to Municipal Vehicles, either during their work shift or on a 24-hour on-call basis. Municipal Vehicles are not Personal Vehicles and are not for personal use. Municipal Vehicles should be viewed as belonging to the citizens of the Town of Foxborough and are assigned solely for purposes consistent with providing services to those citizens.

Personal Vehicles: It is the policy of the Town of Foxborough to reimburse employees for reasonable expenses they incur as a result of Personal Vehicle use on behalf of the Town. Receipts and Expense Reports must be submitted in a timely manner in order for employees to be reimbursed for such expenses.

Vehicle Stipend: It is the policy of the Town of Foxborough that in the event an employee is required to use his or her Personal Vehicle on a year-round basis, and that employee has not been assigned a Municipal Vehicle, the Town Manager may authorize the payment of a Vehicle Stipend. Such stipends may be rescinded with a 90-day written notice and will not be paid in combination with personal automobile expense reimbursement.

Registering and Insuring a Vehicle: Whenever a new municipal vehicle is purchased and registered, the Town Manager's office must be notified and appropriate paperwork completed immediately to add the vehicle to the Town's insurance policy.

Administrative Requirements

Reimbursement of Work-Related Travel Expenses – When an employee is authorized to use a Personal Vehicle for work-related travel, he or she shall be reimbursed for mileage at the IRS standard mileage rate, unless covered by contract or stipend. According to the IRS, the standard mileage rate for business purposes is based on an annual study of the fixed and variable costs of operating a vehicle. Employees will be notified by the Finance Department of any changes to the IRS rate.

In accordance with IRS regulations/rulings, the mileage rate is intended to cover, but is not limited to, the cost of fuel, repairs, insurance, all operating costs, and general wear and tear on the Personal Vehicle.

In addition to the mileage rate, the Town will reimburse employees authorized to travel outside of the Town, driving a Personal or Municipal Vehicle, within the scope of employment, for tolls and reasonable parking expenses, when receipts are provided.

Employees receiving a Vehicle Stipend will not be reimbursed for tolls, but may be reimbursed for reasonable parking expenses. Employees will not be reimbursed for tolls that are paid by the employee during his or her normal commute to work.

Insurance

Employees who are authorized to use Personal Vehicles for work-related travel are required to show proof to the Town Manager, on an annual basis, of the following minimum levels of insurance coverage:

- Bodily Injury: \$100,000/\$300,000
- Property Damage: \$50,000

Employees will not be reimbursed for commuting between their homes and offices or other regular work locations.

In order to be reimbursed for Personal Vehicle use, employees must complete a Mileage Reimbursement Form provided by the Finance Department submitted with appropriate supporting documentation and/or receipts in a timely manner.

Employee Driving Records

Employees in the course of their employment on a regular basis may be subject to driving record check, through the Registry of Motor Vehicles. This is necessary for the Town to appropriately identify potential risk of liability.

A copy of the operator's Massachusetts driving record shall be obtained by the Town Manager's Office and/or designee to verify the historical driving record of the operator.

If the operator has an out-of-state license, then the operator must provide, upon request, a copy of their existing state driving record to the Town Manager. Any out-of-pocket expense in obtaining a copy of the driving record will be reimbursed by the Town upon submission of a receipt, in a timely fashion.

Driving records shall be reviewed by the Town Manager and/or designee.

Driving records determined to be a safety concern by the Town Manager may result in the disapproval of an employee's vehicle use in the course of employment, after consultation with the appropriate Department Head.

Assignment of Municipal Vehicles

Employees are required to have a valid motor vehicle license for the class of vehicle to be operated issued by the Commonwealth of Massachusetts or their state of current residence and must show proof of such valid license to Town Manager or designee prior to being assigned a Municipal Vehicle.

The assignment of Municipal Vehicles for 24-hour use will be made by the Town Manager's Office, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions, as identified in an approved position description. The following criteria will be used in the determination of eligibility for 24-hour vehicle use:

- Officially designated on-call status;
- Requirement for frequent emergency availability during non-working hours;
- Issuance of a pager or other communication device; and/or,

- Emergency or other equipment contained in the vehicle.

Municipal Vehicle assignments may be rescinded in writing for good reason or cause by the Town Manager and/or designee.

Prior to the assignment of a municipal vehicle, a copy of the operator's Massachusetts driving record, as described in this policy, shall be submitted to Town Manager or designee.

Employees assigned a Municipal Vehicle for 24-hour use whose commute exceeds 25 miles one way, shall reimburse the Town for the additional fuel cost as determined by the Town Finance Director. Employees who have been assigned a Municipal Vehicle and have established commuting pattern of more than 25 miles one way prior to July 2006 shall be exempt from this provision, as long as there is no break in assignment of a Municipal Vehicle greater than 6 months, after which the exemption will no longer apply.

Imputed Income Taxation

Employees authorized to commute in a Municipal Vehicle may be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Town Treasurer shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Municipal Vehicles for commuting purposes, and the normal, one-way commuting distance, each December 1st.

Employees who are assigned marked and unmarked police vehicles, and/or Municipal Vehicles that meet eligibility criteria as defined under 26 CFR 1.274-5T will not be subject to imputed income taxation as a result of the vehicle assignment.

Rules & Responsibilities

Employees who drive a Municipal or Personal Vehicle are responsible for, but not limited to, the following:

- Municipal Vehicles may only be used for legitimate municipal business by municipal employees who are properly trained in the vehicle use. Also, it is understood that all vehicles should not be taken home, with the exception of those staff who are on call 24/7 as required. If there are certain situations that require a vehicle to be taken home, it shall be approved in advance by the Town Manager;
- All vehicles must have up-to-date inspection stickers;
- New employees who operate Town vehicles shall receive a copy of this policy and sign a copy that they have received it;
- Individuals assigned a Municipal Vehicle with commuting privileges may take "incidental personal uses" such as stopping at a grocery store or going to the bank, on his/her way home, but only if the stop does not add mileage to the trip;
- Operators should exercise sound judgment at all times when using assigned Municipal Vehicles and must avoid the appearance of misuse;
- The Massachusetts Ethics Code outlines unwarranted privileges. Using public equipment or resources for personal use constitutes use of an official position to obtain an unwarranted privilege not similarly available to others. Misuse of an assigned Municipal Vehicle is an ethics violation;

- Municipal Vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not routinely be transported in Municipal Vehicles. Police Officers transporting individuals in the performance of their normal job duties are exempt from this provision;
- Municipal Vehicles shall contain only those items for which the vehicle is assigned;
- The Town shall not be liable for the loss or damage of any personal property transported in the Municipal Vehicle or for any personal property while using their Personal Vehicle for work-related travel;
- Employees are expected to keep Municipal Vehicles clean, and to report any malfunction, damage, needed repairs or other vehicle problems to their supervisors immediately;
- Employees assigned Municipal Vehicles for commuting purposes are expected to park such vehicles in safe locations and to lock the car when not in use. Operators should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle;
- Unless expressly exempted by law, employees are to ensure that they and all passenger(s) in a Municipal Vehicle wear seat belts at all times, if the Municipal Vehicles is so equipped;
- All operators of vehicles that require a CDL license, must be tested for drugs and alcohol as provided by US DOT regulations and the town drug/alcohol policy;
- Employees may not operate Municipal Vehicles or Personal Vehicles being used for work-related travel under the influence of alcohol, illegal drugs, or any controlled substances;
- Employees are prohibited from possessing open alcoholic containers, illegal drugs, or controlled substances in a Municipal Vehicle or in a Personal Vehicle being used for work-related travel;
- The transporting of unopened alcoholic containers is limited to “incidental personal use” as described in this policy;
- Police Officers who are required to carry prohibited items in performing their normal job duties are exempt from applicable provisions;
- Employees operating a Municipal Vehicle or a Personal Vehicle while on work-related travel must maintain a valid motor vehicle license issued by the Commonwealth of Massachusetts or the state of their current residence, which must be provided upon request by a Supervisor during a specific or periodic license check;
- Employees operating a Municipal Vehicle or a Personal Vehicle while on work-related travel, shall drive defensively and obey all applicable traffic and parking regulations, ordinances, and laws;
- Employees who incur parking or other fines/citations while operating or using an assigned Municipal Vehicle or using a Personal Vehicle on work; related travel will be personally responsible for payment of such fines/citations, unless payment of such fine/citation is approved by the Town Manager and/or designee;
- Employees who are issued citations for any offense while operating or using a Municipal Vehicle must notify their Supervisor immediately when practicable, but in no case later than 24 hours after the issuance of an issued citation;
- An employee who is assigned a Municipal Vehicle and who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of the motor vehicle license, whether in his or her Personal Vehicle or in a Municipal

Vehicle, must notify his or her Supervisor immediately when practicable, but in no case later than 24 hours after such arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of Municipal Vehicle privileges;

- No employee may use a Municipal Vehicle for out of state use without advance approval of the Town Manager or his/her designee;
- When utilizing a Municipal Vehicle, employees are required to obtain fuel from designated Municipal fueling facilities, unless fueling is required in the course of out of town travel;
- No person shall cause, suffer, allow, or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes;
- Smoking is not permitted in a Municipal Vehicle in accordance with M.G.L. c270 s22. Those utilizing a Personal Vehicle for work-related travel should be considerate of others in the vehicle who do not smoke.

Cellular Phones and Handheld Electronic Devices

The use of handheld cellular phone and other handheld electronic devices is prohibited, in accordance with Massachusetts General Law. This prohibition includes the receiving (accepting) or placing calls; retrieving, sending, or responding to text and image messaging, Internet browsing; reading, drafting, or sending emails; checking voice messages, and operating any application installed on cellular phones or handheld devices.

Vehicle Accidents

In the event that an employee's Personal Vehicle is damaged during an approved, work-related trip, and the damage is not due to negligence of the employee, the Town will reimburse the employee to cover part of the cost of repair, up to a maximum of \$500 or the amount of the deductible, whichever is less, per occurrence. A copy of a police report and evidence of the employee's vehicle insurance deductible (comprehensive or collision) payment shall accompany any request for reimbursement.

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

- Stop the vehicle;
- Get emergency attention if necessary;
- Remain calm and do not argue with other parties involved;
- Obtain the following information:
 - Name(s) and address(es) of the other driver(s);
 - Driver's license number(s) of the other driver(s);
 - Name(s) and address(es) of the owner(s);
 - Registration number(s) of the other vehicle(s) involved;
 - Name(s) and address(es) of other driver(s) insurance company(ies); and,
 - Name(s) and address (es) of any witness (es) to the accident.
- Do not admit liability for the accident, even if the employee believes it was their fault;
- Never agree to make payments for the accident;
- Notify Police so that a report may be made for insurance purposes;
- Only discuss the accident with Police Officers, the Town's insurance company, and appropriate Town officials;
- Immediately report details to the employee's immediate supervisor;

- When any person has been injured and/or when vehicles have suffered significant damage, the local or state police must be called to the scene;
- Do not move the vehicle in these circumstances until authorized by the police;
- Unless an injury prevents the operator from doing so, he/she must fill out a Vehicle Accident Report within 48 hours of the accident. A blank copy of the form may be obtained from the Town Manager's office. The completed VAR shall be filed with their direct Supervisor;
- The Supervisor shall ensure all information is in the report and file a copy with the Town Manager's office and the Supervisor shall also file a copy for placement in the employee's personnel file.

Failure to comply with any of the above items in this policy may result in disciplinary action and loss of Town vehicle use privileges.

Seat Belt Use Policy

It is the policy of the Town of Foxborough to require that all employees wear seatbelts while operating or riding in Town owned vehicles or in other vehicles while on municipal business.

A large percentage of municipal employees operate cars, trucks, and other municipal mobile equipment in the course of their work. Driving places heavy demands on an employee's alertness, judgment, and skill. Driving errors made by an employee can be costly to the municipality, but of greater importance is the potential which exists for serious injuries to the employee and members of the general public.

Most municipal vehicles are easily identified as such and constitute a traveling advertisement seen by many citizens. They have "high exposure". This exposure exerts an important influence upon good and bad public relations for the municipality, since safe, courteous driving habits build a positive public image. In addition, the application of the principles of defensive driving helps avoid accidents.

Special Circumstances

This policy is intended to provide a basic framework governing the use of Personal and Municipal Vehicles in the Town and as such cannot contain procedures governing every situation that might arise. Employees seeking clarification of this policy should contact the Town Manager. Exemptions from certain provisions of this policy may be authorized by the Town Manager, under mitigating circumstances, after review by the Department Head. Such exemptions must be documented and signed off by the employee (see Attachment A), approved by the Town Manager, and placed in the employee's personnel file.

Exemptions

Exemptions to the Vehicle Use Policy are strictly limited. Exemptions that will increase the liability to the Town are not allowed. Issues related to insurance coverage, transportation of individuals unrelated to Municipal business, operating a vehicle without a valid motor vehicle license, are examples of what may not be exempted.

Discipline

Failure to comply with any and all applicable provisions of this policy may result in disciplinary action up to and including suspension or removal of Town vehicle privileges, suspension and/or termination of employment.

I. Substance Abuse Policy

The Town of Foxborough is committed to protecting the health, safety and welfare of its employees by providing a work environment that is free of substance abuse. The Town intends to preserve its professional standards of excellence and will not allow substance abuse to impede our ability to provide our citizens with quality municipal services.

Accordingly, the Town has developed the following guidelines on controlled and illegal substances. These guidelines are designed to ensure our workplace is safe and productive. They articulate the Town's position that substance abuse will not be tolerated. The guidelines also reflect our concern and support for employees who have a substance abuse issue and encourage those individuals to seek counseling and treatment.

The Town emphasizes its commitment to the welfare of its employees and citizens and to a quality work environment that is free of substance abuse.

Treatment and Assistance – The Town supports its employees in seeking professional help and treatment of substance abuse problems which may affect their personal lives or job performance. To that end, the Town's sick leave program is available to any Town employee pursuing treatment of a substance abuse problem through their medical doctor or a treatment facility specializing in substance abuse problems.

An employee's job will not be jeopardized for seeking help for substance abuse problems. However, such participation by itself does not protect an employee from appropriate disciplinary action should there be a breach of the conditions of employment, a violation of general Town of Foxborough By-Laws, policies and procedures or should job performance fall below an acceptable level.

Substances Addressed

The following are definitions of substances that are subject to the Guidelines (The definitions are supplied for informational purposes only and are not meant to be all-inclusive):

1. Alcohol – Includes alcoholic beverages such as: beer, wine, liquor cordials, etc.
2. Controlled/Illegal Substances – Includes all forms of drugs and chemicals such as: stimulants, narcotics, depressants, hallucinogens and other substances prohibited or restricted by law. Such items include but are not limited to: tranquilizers, heroin, crack, marijuana, LSD, cocaine, etc. Controlled/illegal substances also pertain to any prescription drugs or chemicals not used for their appropriately prescribed use or purpose. (Medically prescribed drugs used in prescribed manner do not fall under the definition of controlled/illegal substances).

Prohibited Activities

The following activities are prohibited for all Town of Foxborough employees:

1. The consumption of alcohol on any of the Town's office or work premises, whether or not the consumption takes place during regular business hours. This does not apply to appropriate use at Town-sponsored functions, events or meals.
2. Possession on Town office or work premises of any alcohol container that is not in its original manufacturer's container with unbroken seals (except for Town-sponsored events as noted above).
3. The possession, use, sale, purchase, transfer, transportation or distribution of controlled/illegal substances on any of the Town's work premises, in a Town vehicle or while engaged in Town business while away from the Town's office or work premises.

4. Consumption of alcohol, use of controlled/illegal substances, or being under the influence of such, while on duty or immediately prior to reporting for duty to the extent that it would impair the employee's job performance, cause the employee to be a potential safety risk to himself or herself, the public, or the employee's co-workers or pose an unnecessary risk to Town property.

Disciplinary Action and Possible Consequence

Employees are subject to disciplinary action, which may include termination, if they:

1. Engage in any of the prohibited activities described above, or
2. Engage in such prohibited activities which would result in, cause actually or potentially, any adverse publicity affecting the Town's employment practices, reputation or its ability to effectively serve the public.

Reporting Procedure

Procedures for reporting substance abuse problems should balance the Town's intolerance for substance abuse with the privacy, trust and concern of employees. To this end, the following guidelines are intended to be a framework for dealing with substance abuse problems:

1. Any employee who has a reasonable suspicion or who observes prohibited substance abuse actions by a co-worker, subordinate or superior should bring the matter to the Human Resources Office or Town Manager's attention. In no event should these matters be discussed with any other employee.
2. Any suspicion or confirmation of substance abuse is a sensitive matter and is to be handled in a confidential, reasonable and professional manner by the parties concerned. Any employee who violates the confidential nature of such information by discussing these matters with anyone other than the individuals in paragraph A.1 above may themselves be subject to disciplinary action which may include termination.

Searches and Testing

To protect the health, safety and welfare of its employees, the Town reserves the right to require any employee to submit to a search of their personal property and/or testing when reasonable suspicion exists as to the possession and/or consumption of controlled or illegal substances as described under Prohibited Activities. The Town reserves the right to search all areas of the Town property, as well as employees' personal property brought onto Town property, including but not limited to offices, files, briefcases, desks, (lockers,) etc. All searches and tests will only be conducted by personnel with the express authorization of a Department Manager and only after the Department Manager has conferred with the Human Resources Office.

Furthermore, the Town reserves the right to further utilize its reasonable suspicion authority to require an employee(s) to submit to chemical and/or medical tests administered by a qualified physician or laboratory of the Town's choice or to submit to a breathalyzer test as administered by a certified breathalyzer operator. If this test result is positive, the employee may be requested to undergo more precise tests. An employee's failure to comply with the Town's request for a search and/or test is grounds for disciplinary action which may include dismissal.

J. Criminal Offender Record Information (CORI) Policy

This policy is applicable to the criminal history screening of prospective and current employees, contractors, subcontractors, vendors, volunteers and interns, professional licensing applicants, and applicants for the rental or leasing of housing. The Select Board shall adopt and amend from time to time a mandatory CORI list as an appendix to this policy. The Foxborough Public

Schools and the Foxborough Police Department maintain separate CORI policies consistent with their needs and accreditation standards.

State law and regulations govern the use of CORI by the Town. Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed. Violations of CORI laws and regulations are actionable in accordance with state law, and any such violations or violation of this policy may also result in disciplinary action against an employee found to have violated said laws, regulations, or policy, up to and including termination from employment.

Conducting CORI Screening

CORI checks will only be conducted as authorized by the Massachusetts Department of Criminal Justice Information Services (DCJIS) and MGL c. 6, § 172, and only after a CORI Acknowledgement Form has been completed. Requestors shall use a current CORI Acknowledgement Form as published by the Massachusetts Department of Criminal Justice Information Services.

If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check.

A CORI acknowledgement form shall be completed on an annual basis for checks submitted for any other purpose, provided, however, that the requestor has adopted the language from the DCJIS CORI Acknowledgment Form that notifies individuals that their CORI may be requested at any time within the one year that the acknowledgment form is valid. If the requestor has not adopted the DCJIS CORI acknowledgment form language, then it must ensure that an acknowledgement form is completed for each and every subsequent CORI check.

For employees, volunteers, and others to whom this policy applies who work with vulnerable populations, CORI checks will be performed annually, subject to any bargaining obligations or requirements of collective bargaining agreements. For all others, CORI checks ordinarily will be performed every three (3) years, subject to the same restrictions.

In accordance with state regulations, prior to running a CORI check, the applicant's identity will be verified with government-issued photographic identification, such as a driver's license. If the individual has not been issued such a form of identification, then the applicant's information will be verified with a government-issued non-photographic identification, such as a birth certificate or Social Security card, or other identification authorized by DCJIS. A copy of this identification, together with the CORI Acknowledgement Form, shall be maintained on file by the Town for at least one year from the date the Form was signed by the applicant.

Access to CORI

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

All CORI certifications must be renewed annually, and any persons authorized to access CORI are required to be retrained annually.

CORI Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI for the Town of Foxborough will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

Additionally, as the Town of Foxborough is an agency required by MGL c. 6, s. 171A, to maintain a CORI Policy, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS and the Town of Foxborough's CORI Policy.

Use of Criminal History in Background Screening

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. In most instances, CORI shall only be accessed for applicants who have been tendered a conditional offer of employment.

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

Verifying a Subject's Identity

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. Such identifying information should include a photograph of the applicant on government issued identification. However, if the applicant does not have a suitable form of government issued identification, the applicant's identity may be verified by reviewing a birth certificate or social security card. If an employer is unable to verify the identity of a CORI subject, an acknowledgment form may be completed and signed before a notary public as provided in the CORI regulations.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant. The Town shall document all steps it takes in this regard.

Inquiring About Criminal History

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

Determining Suitability

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

1. Relevance of the record to the position sought;
2. The nature of the work to be performed;
3. Time since the conviction;
4. Age of the candidate at the time of the offense;
5. Seriousness and specific circumstances of the offense;
6. The number of offenses;
7. Whether the applicant has pending charges;
8. Any relevant evidence of rehabilitation or lack thereof; and
 - a. Any other relevant information, including information submitted by the candidate or requested by the organization.

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

Adverse Decisions Based on CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. A model letter for this purpose is attached. The subject shall be provided with a copy of the Town's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' Information Concerning the Process of Correcting a Criminal Record.

The subject will then be provided with a reasonable opportunity to dispute the accuracy of the CORI Record and/or submit additional information. In most instances, that reasonable opportunity shall be seven (7) calendar days from date of notification from the Town of the potential of an adverse decision, unless there are extenuating circumstances. Upon the timely receipt of additional documentation/information from the applicant and/or from the DCJIS, the Town shall review the information, make an appropriate decision based on all information available, and fully document the actions taken.

In the case of license applications, the Town will additionally provide the applicant with information regarding any applicable appeal process, including the opportunity to dispute the accuracy of the CORI at issue.

Maintenance of CORI

All CORI information, including CORI Acknowledgment Forms and copies of government-issued identification, will be maintained in a secure fashion. This means that hard copies will be stored in a separate, locked, location; electronically-stored CORI will be password-protected and encrypted. No CORI shall be stored using public cloud storage methods.

CORI shall be destroyed within seven years from: the date of hire, or date of entrance into volunteer service (employment); date of final licensing decision (licensing); last date of residency or date of housing decision (housing), whichever is later.

Destruction shall occur by shredding or other similar means (hard copies), prior to disposal. Electronically-stored CORI shall be deleted from all hard drives on which it is stored and from any system used to back up the information. Appropriate measures should be taken to "clean" any computer used to store CORI, prior to disposal or repurposing of such a computer.

Secondary Dissemination Logs

All CORI obtained from the DCJIS is CONFIDENTIAL and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject. That log must contain the following information: 1. the applicant/subject's name; 2. the applicant/subject's date of birth; 3. the date and time of dissemination; 4. the name of the person to whom the CORI was disseminated, including the name of the organization for whom the person works (if applicable); and 5. the specific reason for the dissemination. These logs must be maintained for at least one year from the date of dissemination; they may be maintained electronically or on paper in the same, secure manner as other CORI information; and are subject to audit by DCJIS.

Section 6: Benefits

A. Eligibility

Based on the hours budgeted for each employee in a Department, eligibility for employee benefits shall be determined in the following manner:

Regular Full-time Employees – Eligible for all employee benefits.

Regular Part-time Employees – Eligible for all employee benefits based on the average daily hours budgeted for the position.

Part-time Employees – Not eligible for employee benefits.

Seasonal Part-time Employees – Not eligible for employee benefits.

B. Vacation Leave

Vacation days accrue monthly to all benefited employees based on the number of previously completed years of continuous benefited employment. After the completion of five (5) years, additional vacation days will be granted on the employee's anniversary date according to the chart above.

Generally, an employee will accrue vacation days at the applicable monthly rate for the employee's years of service i.e., 1.25 vacation days a month for years 1-4, 1.25 days a month for year 5, 1.333 days for year 6, 1.416 days for year 7, 1.5 days for year 8, 1.583 days for year 9, 1.666 days for years 10 and 11, 1.75 days for years 12 and 13, 1.833 days for years 14 and 15, 1.916 days for years 16 and 17, 2 days for years 18 and 19, 2.083 days for years 20. However, the Town Manager reserves the right to start a new employee at the 1.25 days a month/15 days a year accrual rate.

The choice of vacations shall generally be on the basis of seniority in each Department and approved by the Department Head. However, the Department Head may make exceptions to that rule if the circumstances warrant such consideration.

There shall be no monetary payment for vacations not taken at the end of each fiscal year unless otherwise determined by the Town Manager to be in the best operational interest of the Town. Employees shall be allowed to carry over up to two (2) weeks of vacation time into the next fiscal year. This vacation carryover must be used within the fiscal year to which it is carried forward. In some circumstances, the Town Manager may allow the carryover of more than two vacation weeks provided that any time in excess of the two weeks allowed to be carried forward shall be taken within the first three months of the next fiscal year or it may be forfeited per the determination of the Town Manager.

A “vacation day” is based on an employee’s average daily work hours.

Years of Service Completed	Vacation Days
1	15
2	15
3	15
4	15
5	15
6	16
7	17
8	18
9	19
10	20
12	21
14	22
16	23
18	24
20+	25

C. Personal Leave

On each July 1, regular full-time and regular part-time employees who are actively employed will be credited with four (4) paid personal days which may be taken during the following twelve (12) months; at a time or times requested by the employee and approved by his/her supervisor. Employees hired after July 1 of each year will be credited with personal days in accordance with the following schedule.

Date of Hire	Personal Days Credited
July 1 - September 30	4 paid days
October 1 - December 31	3 paid days
January 1 - March 31	2 paid days
April 1 - June 30	1 paid day

Personal Days cannot be carried forward into another fiscal year; nor can any monetary value be placed upon any days not taken for leave.

Personal leave for a regular part-time employee will be based on the average number of daily work hours.

A supervisor may deny a request for personal leave if scheduling conflict exists and there is not adequate personnel available to maintain service to the public.

Nothing in this section shall be construed as giving more than four (4) personal days to any employee in one (1) fiscal year.

D. Holidays

Each regular full-time and regular part-time employee will be entitled to twelve (12) paid holidays per year. If the holiday falls on a Saturday, it will be observed on Friday, and if it falls on Sunday, it will be observed on Monday. The designated holidays are:

Independence Day	New Year's Day
Labor Day	Martin Luther King Day
Columbus Day	Presidents' Day
Veterans' Day	Patriots' Day
Thanksgiving Day	Memorial Day
Christmas Day	Juneteenth

The day after Thanksgiving will be granted as a day off after the holiday. It is not a substitution for any other holiday and it is being granted as additional time off.

Each regular part-time employee shall be entitled to the same holidays based on average daily hours.

Any regular full-time or regular part-time employee on a normal work schedule whose services are required and who works on any unscheduled holiday, so designated by an Act of the Legislature as a statewide holiday, will receive additional compensation at the rate of one (1) time their straight time hourly earnings for each hour or portion thereof worked on the unscheduled holiday.

When any of the twelve (12) holidays fall within a sick leave period, it will be credited as a holiday, and no charge will be made to the employee's sick leave credits.

An Act of the General Court or by Congress establishing any day or days designated as a State or Federal holiday shall be granted to all employees covered by the CPB unless local acceptance by Town Meeting is required.

E. Longevity Pay

Longevity pay shall be payable each year to all regular full-time and regular part-time employees based on average daily hours and whose service as a benefited employee has been uninterrupted as follows:

After Completion of:	Longevity Pay
5 years	\$350
6 years	\$375
7 years	\$425
8 years	\$450
9 years	\$500
10 years	\$550
11 years	\$600
12 years	\$650
13 years	\$700
14 years	\$750
15 years	\$850
16 years	\$850
17 years	\$850
18 years	\$850
19 years	\$1050
20 years	\$1050
21 years	\$1050
22 years	\$1050
23 years	\$1050
24 + years	\$1250

Longevity payments are generally made during the first pay period following the anniversary of initial employment. The payment shall be subject to a retirement deduction provided by M.G.L. 32B, and, for the purpose of retirement allowance provided by said statute, shall be considered as salary or wages.

An employee must be employed by the Town on the date of payment to be eligible to receive the benefit. In order to be eligible for payment, all service performed by the employee in Foxborough must be uninterrupted.

F. Insurance

Any prevailing life and health insurance programs offered by the Town shall be available to all regular, full-time and regular, part-time employees as part of their total compensation package. In order to be minimally eligible for either one of these benefits, the employee must regularly work a minimum of twenty hours per week as prescribed by MGL Chapter 32B. Employees eligible for insurance coverage may opt not to take either or both of these benefit offerings.

Employees who accept health insurance benefits have the option of enrolling their family members for the health care program of their choice. In both insurance cases, if the employees accepts one or both of the coverages, they are required to make a contribution toward the cost of the monthly premium. The Town's Human Resources staff or the staff from the Revenue Office, which is located in the Finance Department, can provide the details of the coverages and the required contributions for any of these programs.

The Town also offers other supplemental insurance coverages; including but not limited to dental insurance benefits- to all regular full-time or regular part-time employees. However, any

supplemental coverages that are offered are done so at no cost to the Town and are subject to change. Questions about any supplemental coverages offered by the Town; including the cost of obtaining such coverage, can be directed to the Human Resources Office.

G. Sick Leave

There are multiple aspects to Sick Leave that are defined in several subcategories of this benefit. The following is a summary of each of these subcategories

Sick Leave Accrual and General Use

1. All regular full-time employees accrue Sick Leave at the rate of 1.75 days per month and regular part-time employees accrue at the pro-rated amount of 1.75 days per month based on the average number of hours and days employed each month. Sick leave accrual for eligible employees begins following the first full month of employment.
2. The maximum number of sick days an employee can accumulate is 264 days. Sick Days in this instance are defined as being the average number of hours worked per day during the month that the Sick Leave time was accrued. For example, if an employee worked an average of 8 hours per day for the month, the employee would earn 1.75 x 8 hour days for that particular month. However, if another employee works an average of 4 hours per day for the month, the employee would earn 1.75 x 4 hour days per month.
3. Regular employees who have completed at least one (1) year (52 weeks) of employment and have exhausted their sick leave due to an extended illness may be advanced up to five (5) days of Sick Leave by the Town Manager; provided that there is positive recommendation for this action by the Department Head. Such consideration can be given by the Town Manager and the applicable Department Head provided that the employee under consideration has returned to work for at least two (2) full weeks.
4. The Department Head and/or the Town Manager may require a physician's certificate covering any period of absence from work due to illness for three days or more.
5. After one (1) year of continuous and acceptable service (meaning the employee has been rated as acceptable for their work performance in their performance review(s), an employee may be granted the ability to use up to ten (10) sick days per year, based on the employee's average daily hours of work for the past year, to care for an immediate family or for the employee to attend their wellness/dental appointments. This Sick Leave time shall be deducted from the employee's sick leave credits.

Sick Leave in Addition to Workers' Compensation

1. Any employee covered by the CPB who is incapacitated by reason of an injury sustained in the course of and arising out of employment with the Town may be compensated by the Town for the difference between their normal work week's compensation and the weekly indemnity of the Workers' Compensation Act, beginning with the first day of the incapacity. Approval of such supplemental compensation is subject to approval by the Town Manager and or his/her designee.
2. All medical bills incurred as a result of an approved, work-place injury shall be submitted to the Human Resources Office for submission to the Town's insurance

provider. The payment for such medical bills are subject to the prevailing reimbursement rates as prescribed by law.

3. Employees returning to work after sustaining a work place injury are required to provide documentation from their attending physician that the employee is able to resume their full-duties as defined by their position description. If the employee is able to return to work but has some remaining limitations that restricts their ability to perform all of their assigned duties, the documentation shall fully describe what that limitation is and if any work-place accommodation is needed. Once this information is provided to the employee's Department Head a discussion will then take place between the Department Head and Human Resources Office to see if a reasonable accommodation can be provided. If one can be provided, the details of the accommodation will be documented and shall include the expectations of the employee's performance and the length of time that the accommodation will remain in place. In most instances, workplace accommodations will be reviewed every two weeks to determine if the limitations are no longer needed (and subject to the approval by the employee's attending physician) or if changes to the work expectations are necessary.

Sick Leave Buy Back

Employees hired on or before June 30, 2017 who are able to retire from the Town of Foxborough, after multiple years of continuous employment, may be paid a percentage of the value of their unused sick leave. The amount of days bought back will not to exceed the maximum number of 264 days. The compensation paid to an eligible employee under this policy shall be calculated as follows:

Amount of accumulated sick days x the number of years of continuous service (or the percentage listed below) x the employees daily rate of pay at the time of retirement =

The Total Amount of Compensation Received Under this Policy

10 years	15%
15 years	20%
20 years	25%

The payment of any compensation under this provision will not be used in the calculation of the employee's pension benefit.

Any employee whose service with the Town is involuntarily terminated, will not be eligible to receive any compensation under this policy.

Sick Bank

1. A Sick Bank shall be available for use by regular full and part-time employees of the Town who are covered by the CPB are eligible to participate in this Sick Bank Program. The accumulated amount of time available in the Sick Bank shall be established by collecting the minimum of one (1) day of average daily hours, per employee, after the employee's first year of employment.
2. There shall be a Sick Bank Committee, who administers the Sick Bank, consisting of five (5) members: Three (3) members shall be from the eligible employees (selected by the eligible employees), one (1) from the Personnel Board, and the Town Manager. This Sick Bank Committee shall determine the eligibility for the use of the bank and the amount of leave time granted from the Bank.

3. Upon application from an eligible employee, the Committee will review the application and determine if the application contains all the information needed to determine if the employee should be granted time from the Bank. Any decision rendered by the Committee shall not be viewed as precedent setting as each case will be reviewed on its own merits. The following criteria shall be used by the Committee in reviewing an application:
 - a. Medical evidence that supports the seriousness and length of illness of the applicant;
 - b. The applicant's history of utilization of paid time off;
 - c. The applicant's length of service as a Foxborough employee.
4. If the Committee determines that an application has merit, an initial grant of paid time from the Sick Bank shall not exceed thirty (30) days. Upon completion of the initial thirty (30) days of granted time, an applicant may ask the Committee for further consideration of additional time. Such consideration should be placed before the Committee no later than seven (7) days before the initial grant of time has expired. The Sick Bank Committee shall act as expeditiously as possible to consider an additional application for time from the Bank and make its determination based on any new evidence that is presented to support the request.
5. Employees who have accumulated the maximum number of sick days may donate the remainder of their unused sick leave for that year to the Sick Bank.
6. Should the Sick Bank reach a maximum of 150 days, eligible employees will not be required to contribute any additional days until that amount falls below the level of 120 days. However, if the Sick Bank drops below thirty (30) days at any time, the Sick Bank Committee will convene to determine if more donations of time are needed to further support the Bank. The Human Resources Office will monitor the balance of time remaining in the Bank and will contact the Chairperson of the Sick Bank Committee to determine if further action is needed.

H. Statutory Family, Medical and Parental Leave Act

The Town of Foxborough (the "Town") is committed to meeting its obligations to employees under the federal Family and Medical Leave Act (FMLA) <https://www.dol.gov/general/topic/benefits-leave/fmla> and the Massachusetts Parental Leave Act (MPLA) <http://www.mass.gov/mcad/resources/employers-businesses/emp-guidelines-maternity1-gen.html> as the same may be amended from time to time. A notice of employees' rights under these laws is posted on the bulletin board in all Town Work locations where mandatory employee notices/posters are displayed. Individuals seeking to avail themselves of leave under the FMLA or the MPLA should contact:

Assistant Town Manager/Human Resources Director
Foxborough Town Hall
508.543.1219

Please note that the 12-month period utilized by the Town of FMLA purposes is a "rolling" 12 month period measured backward from the date an employee uses any FMLA leave. Please note as well that the Town requires the use of available accrued paid leave concurrently with FMLA leave. Individuals on designated FMLA leave shall be required to update their status every 30 days. Further, where leave is taken for a reason specified in both the FMLA and MPLA, the leave shall be counted simultaneously against the employee's entitlement under both

laws. Finally, please note that it is the Town's policy to designate qualifying leave as FMLA once we have sufficient information to make this determination, *even if the employee does not request it.*

I. Bereavement

A leave with pay up to three (3) working days may be granted by the employee's Department Head involving the case of death to an employee's immediate family member, as defined in Section 3. Use of up to an additional three (3) days of accrued time may be granted by the Town Manager upon request by the employee for unusual circumstance associated with the loss of the immediate family member.

J. Court Leave

Any regular full-time or regular part-time employee called for jury duty shall be paid the difference between their regular pay, as calculated herein, and the compensation received by them as a juror; exclusive of travel allowances. Any employee summoned as a witness representing the Town shall receive their full pay and shall return to the Town Treasurer any amounts given for witness fees, exclusive of travel allowance.

K. Military Leave

The Town is committed to providing leave to any employee called to active military service or military training in accordance with any pertinent provisions of federal or state law.

L. Education Reimbursement

The Town places great emphasis on training and education and agrees, to the extent possible, to appropriate the necessary funds for job related training and education courses. Any employees attending a course of study relating to his/her work will be reimbursed by the Town for the tuition charges provided the employee obtains a minimum grade of B or a Passing Grade for Pass/Fail courses. The employee must notify his/her Department Head in writing on or before December 1st of the preceding fiscal year of which courses that the employee intends to take along with an estimate of the course cost. All courses/training must be approved by the Department Head and the Human Resources Office in order to obtain course reimbursement.

M. Certification Incentive

All permanent full-time employees who have completed the necessary courses of study and training and have been awarded and received certification(s) in their respective field by their state, national or international association shall receive as incentive pay from the Town of Foxborough, in addition to their regular compensation paid for services in such position. The amounts are identified below. If the employee is eligible, the Certification Incentive shall be paid in the first pay week of December and will not be eligible for a prorated payment upon termination of employment.

In order to maintain the additional annual incentive payment, the employee shall continue to maintain their certification(s) and/or pursue additional certifications as is traditional for such position. The employee shall disclose to the Town in a timely manner any lapse in their certification(s). This stipend shall not be available to any employee for whom the training and certification is a requirement of their employment with the Town.

One Thousand (\$1,100) Dollars

Certified Government Accountant (CGA) (Finance Department);
Certified Mass Municipal Treasurer (CMMT) (Treasurer's Office);
Certified Mass Municipal Collector (CMMC) (Collector's Office);
Mass. Licensed Professional Engineer (DPW Director).

Section 7: Wage Provisions & Wage Schedule

A. Wages

Application

The following wage provisions and wage schedules apply to all Town employees covered by the CPB.

Rates

Wage rates are tabulated in the attached Tables II, IIA and IIB according to the groupings established in Table I. Table III is for Recreation and Waterfront positions. Table IV is for matrons, Table V is for Part-time Inspectors and Table VI is for Assistant Inspectors.

B. Provisions

Regular Work Week

The Regular Work Week for most employees begins on Monday morning between 7:00 and 8:30 and ends on Friday afternoon between 12:30 and 4:00 PM depending on the employee's schedule. The Regular Work Week varies from employee to employee based on the number of hours budgeted for each position. For **Regular, Full-time employees** the Regular Work Week varies between 35 and 40 hours per week depending on the position. **Salaried employees** perform their duties as the need requires; but usually no less than 40 hours per week. **Regular, Part-time employees** the Regular Work Week varies between 20 and 34 hours depending on the position. For **Part-time employees** the Regular Work Week varies between 15 - 19 hours per week. For **Seasonal Employees** the work is generally performed between the Middle of May to the middle of September. The Seasonal Work Week depends on the work assigned to the employee and the expectations of the supervisor. Hours of work can range from Part-time to Full-time during the employment period. However, because these positions are seasonal, the employees do not accrue or qualify for benefits.

Regular Hourly Pay

This is the compensation paid to an employee for each hour worked during a Regular Work Week. In those instances in which the hourly earnings are not specified in the Wage and Salary Plan, the straight time hourly earnings are to be calculated by dividing the weekly rate by the regular work week hours. For salaried positions, straight time hourly earnings are to be calculated by dividing the weekly compensation as listed in the Weekly Wage and Salary Plan by 40 hours. Salaried employees are Fair Labor Standard Act (FLSA) exempt, which means that they are not eligible to receive overtime for any hours worked beyond forty (40) hours in a Regular Work Week. Pay for new employees will normally start at step one on the applicable pay grade for the position, however the Town Manager has the authority to hire at a higher rate for exceptional relevant experience and qualifications within the competitive market.

Overtime

Any hours, or portions thereof, worked by an employee, in the service of the Town, over and above the employees total full-time hours for the regular work week.

Overtime shall be in accordance with FLSA, which is generally 1.5 times the hours worked over the hours worked in a week.

Overtime pay shall be compensated to all hourly employees at the rate of two (2) times the employee's hourly earnings for all services assigned on Sundays, Town observed holidays, and the day after Thanksgiving.

When regular full-time, hourly employees are assigned to work after completing their normal day's work and work at least thirty minutes past their normal work day, they shall be paid no less than one (1) hour at time and one half. Any time worked less than thirty minutes will be paid at ½ the employee's hourly overtime rate.

Wage and Salary Increases

There are generally two ways an employee's wages can be adjusted throughout a fiscal year:

Cost of Living Adjustment (COLA)

The Town of Foxborough monitors the wages it provides to its employees to determine if the Town's wage and salary plan remains competitive. As such, surveys are performed annually to determine if a general wage adjustment is needed to maintain that competitive position in the municipal market. If the town has the financial capability to provide a COLA and it is appropriated at Town Meeting for each fiscal year, all personnel covered by the CPB will be eligible to receive this adjustment.

Step Increase

Pay steps are contained in each pay grade of the salary and wage schedules as shown in the attached wage tables. A step increase may be granted annually if the employee's performance warrants such an increase and the employee has not reached the top step of their assigned pay grade. Step increases can only be recommended by the Department Head and/or the Town Manager if the employee has received a favorable performance appraisal for the work they have performed during the previous year. Step increases are granted on either the anniversary date of the employee's appointment or on July 1 of each Fiscal Year; depending on date of when the employee was first appointed. An employee is not eligible to receive a step increase beyond the last step of the employee's assigned job grade.

After an initial appointment is made, full-time and regular part-time employees must serve one year (52 weeks) before being advanced to the next step in the salary schedule; if recommended.

If an employee receives an unfavorable performance appraisal and is denied a step increase, an employee may appeal the decision to the Town Manager for further consideration. The Town Manager shall examine the employee's record, review/discuss the employee's work performance with their immediate supervisor and render a decision which shall be binding.

Promotions

Upon promotion, an employee shall make the equivalent of at least a one-step pay increase (2%). If such rate does not appear on the employee's newly assigned wage schedule, the employee shall then be advanced to the next highest pay step of the newly assigned job grade so that the

employee receives a minimum of a 2% increase for the promotion. However, in no event shall the employee's new wages exceed the maximum pay step for the newly assigned job grade.

Call Back Pay

When regular full-time employees, except salaried employees, are requested to return to work after completing their normal day's work, but work less than two (2) hours upon their return, they shall be minimally compensated no less than two (2) hours for the call back. Any hours worked beyond the four hour call back shall be compensated at the rate of 1.5 hours for each hour worked.

Regular Part-time Employees

Regular part-time employees will normally be hired at the minimum step of the designated classification. Exceptions to this rule requires a demonstration of need by the Department Head and the Human Resources Office with the approval by the Town Manager.

Regular part-time employees are eligible for advancement to the next step of their position's pay grade once the employee has minimally completed fifty-two (52) weeks of employment and a successful performance review. Regular part-time employees will continue to be eligible of step increases until the employee has reached the top step of his/her job grade; and provided the employee continues to receive acceptable performance reviews. All step increases are recommended by the employee's Department Head and the Human Resources Office; with the approval of the Town Manager.

Part-time Employees

Part-time employees shall normally be hired at the minimum step of the position's designated pay grade. Exceptions to this action require a demonstration of need by the Department Head and the Human Resources Office, with the approval of the Town Manager.

Part-time employees are eligible for advancement to the next step of their position's pay grade once the employee has minimally completed fifty-two (52) weeks of employment and a successful performance review. Part-time employees will continue to be eligible for step increases until the employee has reached the top step of his/her job grade; and provided the employee continues to receive acceptable performance reviews. All step increases are recommended by the employee's Department Head and the Human Resources Office; with the approval of the Town Manager.

Seasonal Employees

Seasonal employees shall normally be hired at the prevailing minimum wage, but may be hired at a higher rate if they have specialized skills and are a returning member of the seasonal staff. All seasonal staff hires and hiring rates shall be reviewed and approved by the Human Resources Office before the employee is authorized to report for work. This action is particularly important to confirm that the hiring process has been fully completed by the Town and the employee and to confirm that there is no disagreement over the starting compensation rate for the employee.

All Seasonal Recreation pay grades and classifications are contained in Appendix Section B.

Employee Performance Reviews

The employee performance review process is the Town's method of reviewing each individual's contribution to the Town's workforce. The performance review is a tool for evaluating how

well the employee is performing in their position and providing that person positive as well as constructive feedback so that they can work toward or continue to perform at an acceptable level. In addition to regular, ongoing positive, as well as constructive feedback, communication between the employee's supervisor and the employee is an extremely important aspect of conducting successful performance reviews. Such reviews are provided for a variety of reasons. The first is to compliment and recognize good or great performance when it occurs. The second is to identify areas where performance occurred below expectation; and to correct that action or behavior. In some instances, additional training can be recommended or assigned. In some cases an employee may be placed on a performance improvement plan with very specific expectations defined for the employee over an identified time frame. At the conclusion of a performance improvement plan, an employee will have either met the expectations of the plan and return to the workforce with an improved understanding of and capacity to fulfill their work expectations; or the employee will have failed the expectations of the plan and will likely face dismissal.

More often than not, performance reviews are used to help evaluate and develop employees for their progression in their positions and to make decisions about pay step increases. They are also used to outline new performance expectations and to identify actions that could help the employee excel in their role and possibly lead to promotion.

The performance appraisal provides management with a unique opportunity to communicate with the employee and to discuss his/her own accountabilities and achievements. The Town of Foxborough's performance review system is centered on the major functions of the position and how the employee executes them; rather than the minute tasks of the function or the personality traits of the individual.

The key to making the performance review effective, is for the department head to meet with each employee periodically prior to the employee's anniversary date to discuss the employee's performance and to progressively identify performance areas that are going well and/or areas that need improvement. Ideally, the supervisor and the employee will agree on the employee's goals and objectives for the coming year; prior to the review session. Once agreement is reached, the supervisor has a responsibility to monitor progress during the performance year, making sure the employee stay's on track. Coaching and assisting employees throughout the year is essential to a successful performance system. Once a performance review is completed, copies of the review(s) will be kept in the employee's personnel file in the Human Resources Office.

The Human Resources Office is responsible for developing and maintaining the performance review instrument for all employees covered by the CPB.

Non-Union Pay Classifications

Grade 5	Administrative Assistant to the Police Chief Community Information Specialist Human Resources Specialist
Grade 6	Executive Assistant to the Town Manager's Office
Grade 9	Town Clerk * Treasurer/Collector Assistant Finance Director/Director of Accounting
Grade 10	Police Lieutenant - Administrative Police Lieutenant – Operations

	Deputy Fire Chief Library Director
Grade 11	Assistant Fire Chief Deputy Police Chief
Grade 12	Assistant Town Manager
Grade 13	Public Works Director

* Elected employee. Placed on Table for internal equity and comparison purposes only.

Appendix

A. Consolidated Personnel By-law (revised 2017)

Section 1. Purpose and Authorization.

The purpose of the personnel bylaw is to establish fair and equitable personnel policies and to promote a system of personnel administration that ensures a uniform, fair and efficient application of personnel policies. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Laws, Chapter 41, Sections 108A and 108C. This bylaw supersedes any and all bylaws previously adopted by the Town pursuant to General Laws, Chapter 40, Section 21B and/or Chapter 41, Sections 108A and 108C. Classification and compensation plans in effect at the time of adoption of this bylaw shall continue in full force and effect until amended or superseded pursuant to Section 6 of this bylaw.

Section 2. Application.

All Town departments and positions shall be subject to the provisions of this bylaw except elected officers, employees with personal contracts, and employees of the school department. To the extent that any Town employee is subject to a collective bargaining agreement, in the event of a conflict and/or an inconsistency between said agreement and this Bylaw, then said agreement shall govern the terms and conditions of that employee's work.

Section 3. Town Manager.

Pursuant to Chapter 5, Section 4 of the Acts of 2004, the Town Manager is responsible for administering personnel policies, compensation and classification plans, and related matters, in consultation with the personnel board, for all municipal employees and administering all collective bargaining agreements entered into by the Town. Further, the Town Manager is authorized to appoint, discipline, suspend or remove town officers, department heads or principal deputies or agents of elected and appointed boards or officers, and other employees, including employees in civil service positions, for whom no other method of selection is provided by the general or special laws, consistent with the Town's personnel policies and subject to the Town Manager Act and the terms of any applicable collective bargaining agreements.

Section 4. Personnel Board.

(a) Composition, Mode of Selection, Term of Office, Qualifications. The Board shall consist of five (5) members, four (4) of whom are appointed by the Select Board for two (2) year terms provided, however, that the initial four (4) appointments by the Select Board following the adoption of this paragraph shall be as follows: two (2) members shall be appointed for one (1) year terms and two (2) members shall be appointed for two (2) year terms; thereafter, all members appointed by the Select Board shall be appointed for two (2) year terms. Members may be reappointed for an indefinite number of terms.

One (1) member shall be a member of the Advisory Committee and shall represent that Committee and be a fifth member.

All members shall be registered voters and residents of the Town during their appointment.

Any vacancy occurring during a member's term of office shall be filled for the remainder of the original appointment.

Any member appointed shall not be a compensated employee of the Town in any status during their appointment.

The Select Board may appoint an Alternate Member to the Board. The Alternate Member may serve in the absence of a regular member.

(b) Organization. The Board shall elect its own officers, who shall consist of a Chairperson and a Clerk.

Meetings shall be held at least quarterly, but may be called by the Chairperson at any time as the need arises. Meetings shall also be held upon the request of an employee, or their representative, in writing.

Three (3) members shall constitute a quorum for the transaction of business of the Committee.

(c) Powers and Duties. The Board shall be responsible for formulating recommendations on and reviewing the classification and compensation plans, which plans shall be subject to such approval as required by law. The Personnel Board shall also evaluate classification of positions generally, including requests for reclassification, and cause a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices. The Personnel Board shall also, in consultation with the Town Manager, advise and assist, to the extent requested, on any aspect of personnel policies and practices.

Section 5. Personnel System.

A personnel system shall be established by promulgation of policies pursuant to section 6. The personnel system shall make use of current concepts of personnel management and may include, but not be limited to, the following elements:

(a) Method of Administration. A system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, and evaluating the personnel system.

(b) Classification Plan. A position classification plan for all employees subject to this bylaw shall be established, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class. Nothing in the classification plan shall infringe upon or supersede an appointing authority's ability to hire an employee into a newly created position, provided that the Town Manager and Personnel Board are first consulted regarding an appropriate starting salary and the Town Manager and Select Board approve the same. As part of its regular review, the Personnel Board shall seek to update the Classification and Compensation Plans to include any new positions that were added during the prior year.

(c) A Compensation Plan. A compensation plan for all positions subject to this bylaw shall consist of:

- (1) A schedule of pay grades including minimum, maximum and intermediate rates for each grade; and
- (2) An official list indicating the assignment of each position to specific pay grades.

(d) A Recruitment and Selection Policy. A recruitment, employment, promotion and transfer policy which ensures that reasonable effort is made to attract qualified persons and that selection criteria are job related.

(e) Personnel Records. A centralized recordkeeping system which maintains essential personnel records.

(f) Personnel Policies. A series of personnel policies which establishes the rights, the benefits to which certain personnel employed by the Town are entitled, and the obligations of said employees to the Town.

(g) Other Elements. Other elements of a personnel system as deemed appropriate or required by law.

Section 6. Adoption and Amendment of Personnel Policies.

The Select Board shall promulgate personnel policies defining the rights, benefits and obligations of certain employees subject to this bylaw. Policies shall be adopted or amended as follows:

(a) Preparation of Policies. Any member of the Select Board, Personnel Board, the Town Manager, or any three employees may suggest policies for consideration. The Town Manager shall refer such policies to the Personnel Board, which Board need not consider any proposal already considered in the preceding twelve months. Any member of the Select Board, Personnel Board, the Town Manager, or any three employees proposing a new or amended policy shall provide the substance and the reason for the proposed policy in writing. The Personnel Board shall hold a public meeting on any proposed policies or amendments. The Town Manager and the Personnel Board shall, within 20 (twenty) business days, consider the proposed policies and recommend that the Select Board adopt the policies (with or without modifications), reject the policies, or indicate that further study is necessary.

(b) Recommended Policies. The recommendations of the Town Manager and Personnel Board shall be forwarded in writing to the Select Board by the Town Manager or by the Personnel Board. The recommendations shall contain the text of the proposed policy or amended policy, an explanation of the policy and the implications of the policy, and the action(s) thereon recommended by the Town Manager and the Personnel Board. The Select Board shall consider recommendations of the Town Manager and Personnel Board and may adopt, reject or return recommendations for further action. The Select Board need only act on proposed policies recommended for adoption. Policies shall become effective upon approval of the Select Board, unless some other date is specified. Adopted policies, including the Compensation Plan, shall be kept on file in the office of the Town Clerk.

Section 7. Severability.

The provisions of this bylaw and any policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provisions of the bylaw or regulations shall not be affected thereby.

Accepted at Annual Town Meeting. May 9, 2016

B. Electronic Communications & Computer Use Policy

1. INTRODUCTION

This Policy is intended to provide guidance on the appropriate use of the Town's electronic communication and information equipment and systems ("Systems"). Such Systems include, but are not limited to, computer workstations, laptops, tablets, hardware and software, email, telephones, cellular phones, smartphones, facsimile machines, and the Internet. Anyone who has access to the Town's systems shall sign and accept this policy.

Use of the Town's Systems shall constitute acceptance of the terms of this Policy and any such additional related policies that may be issued by the Town. Access and use of the Town's Systems is intended for Town work related purposes, including communicating with coworkers and colleagues, and researching topics relevant to Town business. All existing state, federal, and local laws and Town policies apply to conduct while using the Town's Systems, particularly those that govern intellectual property protection, sexual or other harassment, civility, misuse of Town resources, privacy rights, and confidentiality. This Policy sets forth general guidelines and examples of prohibited uses of the Town's Systems for illustrative purposes, but does not attempt to identify all required or prohibited activities by users. Questions regarding whether a particular activity or use is acceptable should be directed to the Town Manager. These guidelines may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the Town's Systems. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies of the Town of Foxborough.

2. PRIVACY

Users should not expect any right of privacy in said Systems, including electronic communications and information made or stored on the Town's Systems. The Town (the Town Manager or their designee) retains the right to inspect its Systems, including any Town-owned or leased computer or electronic communications equipment, any data contained in such equipment, and any data sent or received by that equipment. The Town will exercise that right when reasonable and in pursuit of legitimate needs for supervision, control, and the efficient and proper operation of the workplace. Users should be aware that appropriately-authorized network administrators may monitor network traffic, and/or access all files, including e-mail files and Internet use history, stored on any equipment. All electronic files and documents originating from or passing through the Town's Systems are considered to be the property of the Town.

3. SECURITY

All usernames and passwords are for the exclusive use of the individual to whom they are assigned. The user is personally responsible and accountable for all activities carried out under his/her username, and should take all reasonable precautions to protect his/her password. The password associated with a particular username must not be given or divulged to another person (with the exception of the Systems administrator). No one may use, or attempt to use, a username or password assigned to another person, or pose as another user.

4. INTERNET GUIDELINES

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

- A. Use for Official Business. It is the Town's policy to restrict Internet access to official Town business. Abuse, in the opinion of the Town Manager, of the Internet for personal matters is prohibited.
- B. Authorization. Authorization for Internet access must be obtained through the Systems administrator. Once authorization is approved, each user is responsible for the security of his or her account password and will be held responsible for all use or misuse of such account (see Section 3, Security, above).
- C. Compliance with Laws. Users must not utilize the Internet to knowingly violate any state, federal or local law, or the laws of any other nation. United States copyright and patent laws may apply to information and material(s) accessed through the Internet, and care should be taken to not violate the copyrights or patents of others on or through the use of the Internet.
- D. Viruses. All appropriate precautions should be taken to detect viruses, including scanning all computer files (including attachments) that are downloaded and/or opened from the Internet, before installation or execution of such files/attachments. Users should direct any questions regarding the proper use of virus detection software to the Systems administrator prior to downloading and/or opening any computer files, attachments or hyperlinks. If you suspect virus, malware, or other intrusion, notify the Systems administrator.
- E. Town Monitoring. As noted above, **users should not have any expectation of privacy as to their computer or Internet usage, including the receipt and sending of e-mail.** It is possible for the Town to monitor Internet usage histories and/or patterns, and the Town may inspect, without limitation, any portion of its Systems, including files stored either on the computer hard drive or the Town's server, to the extent necessary to ensure compliance with this Policy or any other applicable state, federal, or local law or Town policy.
- F. Prohibited Practices.
 - 1) Users shall not use Town computers knowingly to download or distribute pirated software or data. Any software or files downloaded via the Internet may be used only in ways that are consistent with their licenses or copyrights. The downloading of games or other programs for amusement/entertainment purposes is strictly prohibited.
 - 2) Users shall not make an unauthorized attempt to enter into another person's computer (commonly referred to as "hacking").
 - 3) All computer hardware and software shall at all times remain the property of the Town of Foxborough, and may not be removed, without permission of the Town Manager, from their respective sites or downloaded onto personal computer equipment. The installation or upgrade of computer software programs on computer hardware, without the express written approval of the Systems Administrator, is strictly prohibited.
 - 4) Users must not utilize the Internet to deliberately propagate any virus, worm, "Trojan horse," trap-door or back-door program code, or knowingly disable or overload any computer system or network, or to circumvent any security system intended to protect the privacy or operational integrity of another user.
 - 5) Users shall not disclose confidential information or promote personal political beliefs, discrimination, sexual harassment, and any unlawful activity; nor shall the Town's computers be used for private financial gain, or commercial, advertising or solicitation purposes.
 - 6) Use of the Town's Systems, including computers, to display any kind of image or document that is obscene, pornographic, sexually explicit or sexually suggestive, is

prohibited. Additionally, these materials may not be viewed, archived, stored, distributed, edited, or recorded using the Town's network, printing, or computing resources.

- 7) Users shall not utilize the Town's Systems for the purpose of sending "chain-letters," unsolicited mass e-mails, or other "spam."
- 8) Users shall not maliciously use or disrupt the Town's computers, networks, or Internet services; nor breach the Systems' security features; nor misuse or damage the Town's equipment; nor misuse passwords or accounts; nor attempt to access unauthorized sites; nor use the Town's Systems after such access has been denied or revoked; nor attempt to delete, erase or otherwise conceal any information stored on any portion of the Town's Systems.
- 9) Users shall not abuse access to the Internet for non-work-related purposes, including but not limited to: social networking sites such as, but not limited to Facebook, Twitter, and LinkedIn, non-work-related blogs or websites, or personal shopping sites using either the Town's Systems or devices supplied by the user.

5. ELECTRONIC MAIL (E-Mail) GUIDELINES

- A. The Internet does not guarantee the privacy and confidentiality of information. Sensitive material transferred over the Internet may be at risk of detection by a third party. Users must exercise caution and care when transferring such material in any form.
- B. The Secretary of State's Office of the Commonwealth has determined that email qualifies as "public records," as defined in Chapter 4, section 7(26) of the Massachusetts General Laws. Therefore, all email sent by or received through the Town's Systems shall be archived by the Systems administrator.
- C. Users should be aware that opening programs or files attached to email messages may cause computer viruses to infect the Town's Systems, and thus should only open such attachments from anticipated and trusted sources.
- D. Employees shall not broadcast messages to all employees via email without permission from the Town Manager.
- E. Town email is to be used for official Town business only.

6. TELEPHONE USAGE

Telephones (including mobile and smartphones, if authorized) are provided for business use. Personal telephone calls may be permitted, but users should exercise good judgment in making such calls. Managers/department heads are responsible for monitoring their employees' telephone usage. Excessive usage for non-business-related purposes, as well as misuse of telephones, such as to make harassing or threatening calls, may result in discipline, up to and including termination from employment.

7. VIOLATIONS OF POLICY

A violation of this Policy may result in either the suspension or permanent loss of the privilege to use the Town's Systems. It may also result in disciplinary action being taken against the employee, up to and including termination from employment. Additionally, users shall be personally liable for any losses, costs or damages incurred by the Town related to violations of this Policy. Similarly, the illegal use of the Town's Systems may result in referral to law enforcement authorities. Employees shall report violations of this Policy to their supervisor, or in the case of department heads, directly

to the Town Manager. Retaliation against another user for reporting a violation or violations of this Policy, including the use of email or the Internet in a retaliatory manner, is strictly prohibited by the Town.

Endorsed & Supported by the Select Board 12/22/21

Endorsed & Supported by Personnel Board 9/14/2021

C. Wage and Salary Tables for Non-Union, Non Contractual Employees and Seasonal Employees

FY23 Foxborough Non-Union Managerial Pay Plan

Job Class	Title	Grade	Salary	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
T201	Admin Assistant - Police Chief	5	Annual	\$64,267.53	\$65,542.94	\$66,861.58	\$68,201.84	\$69,563.71	\$70,968.82
T190	Community Information Specialist		Bi-Weekly	\$2,462.36	\$2,511.22	\$2,561.75	\$2,613.10	\$2,665.28	\$2,719.11
T126	Human Resources Specialist		Hourly	\$30.78	\$31.39	\$32.02	\$32.66	\$33.32	\$33.99
T237	Executive Assistant	6	Annual	\$67,964.05	\$69,325.92	\$70,731.03	\$72,136.14	\$73,584.49	\$75,054.45
			Bi-Weekly	\$2,603.99	\$2,656.17	\$2,710.00	\$2,763.84	\$2,819.33	\$2,875.65
			Hourly	\$32.55	\$33.20	\$33.88	\$34.55	\$35.24	\$35.95
T125 T110	Assistant Finance Director/Director of Accounting	8	Annual	\$80,824.39	\$82,443.01	\$84,082.92	\$85,765.44	\$87,490.54	\$89,236.94
			Bi-Weekly	\$3,096.72	\$3,158.74	\$3,221.57	\$3,286.03	\$3,352.13	\$3,419.04
			Hourly	\$38.71	\$39.48	\$40.27	\$41.08	\$41.90	\$42.74
T015 T105	Town Clerk - (elected)* Treasurer/Collector	9	Annual	\$92,477.80	\$94,336.87	\$96,217.55	\$98,141.47	\$100,108.62	\$102,097.39
			Bi-Weekly	\$3,543.21	\$3,614.44	\$3,686.50	\$3,760.21	\$3,835.58	\$3,911.78
			Hourly	\$44.29	\$45.18	\$46.08	\$47.00	\$47.94	\$48.90
T060 T065/070 T030	Library Director Police Lieutenant Deputy Fire Chief	10	Annual	\$105,188.63	\$107,285.49	\$109,425.58	\$111,630.52	\$113,857.08	\$116,148.48
			Bi-Weekly	\$4,030.22	\$4,110.56	\$4,192.55	\$4,277.03	\$4,362.34	\$4,450.13
			Hourly	\$50.38	\$51.38	\$52.41	\$53.46	\$54.53	\$55.63
T030 T035 T042	Assistant Fire Chief Deputy Police Chief Human Resources Director	11	Annual	\$111,392.73	\$113,619.29	\$115,889.08	\$118,202.11	\$120,558.37	\$123,001.09
			Bi-Weekly	\$4,267.92	\$4,353.23	\$4,440.19	\$4,528.82	\$4,619.09	\$4,712.69
			Hourly	\$53.35	\$54.42	\$55.50	\$56.61	\$57.74	\$58.91
T040	Assistant Town Manager	12	Annual	\$124,773.69	\$127,259.66	\$129,788.85	\$132,382.90	\$135,063.42	\$137,765.55
			Bi-Weekly	\$4,780.60	\$4,875.85	\$4,972.75	\$5,072.14	\$5,174.84	\$5,278.37
			Hourly	\$59.76	\$60.95	\$62.16	\$63.40	\$64.69	\$65.98
T025	Public Works Director	13	Annual	\$142,326.75	\$145,180.20	\$148,076.89	\$151,016.81	\$154,043.20	\$157,134.44
			Bi-Weekly	\$5,453.13	\$5,562.46	\$5,673.44	\$5,786.08	\$5,902.04	\$6,020.48
			Hourly	\$68.16	\$69.53	\$70.92	\$72.33	\$73.78	\$75.26

Posted with the Town Clerk. 5/09/2022

FY23 Foxborough Non-Union Managerial Pay Plan (continued)

Job Class	Title	Grade	Salary	Step 7	Step 8	Step 9	Step 10
T201	Admin Assistant - Police Chief	5	Annual	\$72,395.55	\$73,822.27	\$75,313.85	\$76,827.05
T190	Community Information Specialist		Bi-Weekly	\$2,773.78	\$2,828.44	\$2,885.59	\$2,943.56
T126	Human Resources Specialist		Hourly	\$34.67	\$35.36	\$36.07	\$36.79
T237	Executive Assistant	6	Annual	\$76,546.02	\$78,080.84	\$79,637.26	\$81,236.93
			Bi-Weekly	\$2,932.80	\$2,991.60	\$3,051.24	\$3,112.53
			Hourly	\$36.66	\$37.40	\$38.14	\$38.91
T125 T110	Assistant Finance Director/Director of Accounting	8	Annual	\$91,025.94	\$92,836.24	\$94,689.13	\$96,584.62
			Bi-Weekly	\$3,487.58	\$3,556.94	\$3,627.94	\$3,700.56
			Hourly	\$43.59	\$44.46	\$45.35	\$46.26
T015 T105	Town Clerk - (elected)* Treasurer/Collector	9	Annual	\$104,151.01	\$106,226.25	\$108,323.11	\$110,484.81
			Bi-Weekly	\$3,990.46	\$4,069.97	\$4,150.31	\$4,233.13
			Hourly	\$49.88	\$50.87	\$51.88	\$52.91
T060 T065/070 T030	Library Director Police Lieutenant Deputy Fire Chief	10	Annual	\$118,461.51	\$120,839.39	\$123,260.50	\$125,724.84
			Bi-Weekly	\$4,538.76	\$4,629.86	\$4,722.62	\$4,817.04
			Hourly	\$56.73	\$57.87	\$59.03	\$60.21
T030 T035 T042	Assistant Fire Chief Deputy Police Chief Human Resources Director	11	Annual	\$125,465.44	\$127,973.02	\$130,523.83	\$133,139.50
			Bi-Weekly	\$4,807.10	\$4,903.18	\$5,000.91	\$5,101.13
			Hourly	\$60.09	\$61.29	\$62.51	\$63.76
T040	Assistant Town Manager	12	Annual	\$140,510.92	\$143,321.13	\$146,174.59	\$149,092.89
			Bi-Weekly	\$5,383.56	\$5,491.23	\$5,600.56	\$5,712.37
			Hourly	\$67.29	\$68.64	\$70.01	\$71.40
T025	Public Works Director	13	Annual	\$160,268.91	\$163,468.24	\$166,732.41	\$170,061.44
			Bi-Weekly	\$6,140.57	\$6,263.15	\$6,388.22	\$6,515.76
			Hourly	\$76.76	\$78.29	\$79.85	\$81.45

Posted with the Town Clerk. 5/09/2022

FY23 Foxborough Part-Time Seasonal Pay Plan (Effective July 1, 2022)						
Job Class	Title	Rate	Step 1	Step 2	Step 3	Step 4
T266	COA Sub Van Driver	Hourly	\$20.52	\$20.93	\$21.35	\$21.78
T275	DPW Seasonal Laborer	Hourly	\$14.25	\$14.75	\$15.25	\$15.75
T276	Intern	Hourly	\$14.25	\$14.75	\$15.25	\$15.75
T280	Library Page	Hourly	\$14.25	\$14.75	\$15.25	\$15.75
TBD	Meeting Secretary	Hourly	\$14.25	\$14.75	\$15.25	\$15.75
Inspectional Part-Time Seasonal Positions						
Job Class	Title	Rate	FY21 Salary			
T910	Assessor Field Insp.	Parcel	\$20 residential		\$30 commercial	
T170	Animal Insp.	Annual	\$1100.00			
T370	Asst. Electrical Insp.	Hourly	\$30.00	\$35.00		
T375	Asst. Plumbing/Gas Insp.	Hourly	\$30.00	\$35.00		
T380	Sealer of Weights Measures	Annual	\$4000.00			
Public Safety Part-Time Seasonal Positions						
Job Class	Title	Rate	FY21 Salary			
T365	Matron	Hourly	\$20.00			
T640	Prov. Firefighter	Hourly	Step 1 EMT-B \$24.78/Step 1 Medic \$26.88			
T515	Reserve Officer	Hourly	\$23.50/(\$66.00 detail)			
T650	Call Firefighter	Hourly	\$11 FF/\$13 LT.			
Recreational Seasonal Positions						
Job Class	Title	Rate	Step 1	Step 2	Step 3	Step 4
T335	Rec Assistant	Hourly	\$14.25	\$14.75	\$15.25	\$15.75
T340	Rec Leader	Hourly	\$15.50	\$16.00	\$16.50	\$17.00
T315/T350	Lifeguard/WSI	Hourly	\$16.00	\$16.50	\$17.00	\$17.50
T305	Head Counselor	Hourly	\$17.50	\$18.00	\$19.00	\$19.50
T330	Program Coordinator	Hourly	\$19.00	\$20.00	\$21.00	\$22.00
T325	Playground Supervisor					
T320	Specialized Instructor	Hourly	\$25.00	\$30.00	\$35.00	\$40.00
T321	Instructional Assistant	Hourly	\$14.25	\$15.00	\$15.75	\$16.50

Posted with the Town Clerk, 6/22/2022