

Town of Brookfield Employee Handbook

Town of Brookfield

Introduction

Welcome to the Town of Brookfield. This guidebook is designed to acquaint you with the policies of the Town. We congratulate you on your new job, and sincerely hope you enjoy your work in municipal government. Even after you have been employed for some time, this guidebook should prove to be a handy reference when questions come to mind or new situations arise.

This book is a guide only, and it is not the intent of the Town to grant any employee any contractual commitment, expressed or implied, by its adoption. The employment relationship between the employee and the Town is **at will** and may be terminated by either party at any time. This document does not constitute a contract or an implied contract of any nature. All uncontracted employees are and will remain **at will employees**.

The policies and procedures outlined in this guidebook are subject to change without notice provided that the changes are made in accordance with federal or state laws, or town by-laws. For more information regarding any section of this guidebook please contact the Town Administrator's office.

The Town of Brookfield reserves the right to lay off any employee whenever such action becomes necessary by reason of shortage of funds, lack of work, abolition of a position, a material change in duties or organization, or for any appropriate reason.

All legal references used within this document are understood to be in force at the time of its writing. Legislative amendments, updates and changes that occur after the writing of this document are automatically assumed as amended and incorporated herein without the rewriting and physical updating of this document.

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ACCESS & USE OF TELECOMMUNICATIONS SYSTEMS

PURPOSE

The purpose of this policy is to set in place the standards for the proper and allowed uses of Brookfield's telecommunications systems including telephones, electronic mail (email), facsimile machines (faxes), and the Internet

POLICY

Brookfield provides staff with the ability to send messages and information through fax, electronic mail (e-mail) and the Internet. The latter two forms of communication have become increasingly popular due to their ability to instantaneously reach a wide number of people and are provided by Brookfield as tools to improve the efficiency and effectiveness of municipal operations.

The use of these capabilities and equipment is subject to the same management oversight as any other employee activity. The telecommunications systems are the property of Brookfield and should be used for appropriate business purposes.

APPLICABILITY

All Town employees, with the exception of those employed by the School, are subject to the provisions of this policy. Members of Town Boards, Committees and Commissions are strongly advised to comply with Public Records Law and the guidelines established by the District Attorney's Office with respect to the Open Meeting Law as highlighted below.

PRIVACY: PUBLIC ACCESS

Massachusetts statute broadly defines the term " public record" to include all documentary materials or data, regardless of its physical form or characteristics, created or received by any official or employee of any governmental unit, unless falling within a strictly defined set of exemptions (M.G.L. c. 4 section 7(26), as amended from time to time). E-mail is therefore considered a public record and as such is subject to the requirements of the Public Records Law (M.G.L. c 66, as amended from time to time). Additionally, Federal courts have also held that electronic mail is considered a record for purposes of the Federal Freedom of Information Act.

All e-mail sent and received as principal addressee at a Town-issued address, or any address when in an official capacity, as well as faxes and Internet postings should be considered a public record subject to legal discovery and record retention policies.

Employees, committees and commission members acting in their official capacity should have no expectation of privacy in their own use of these telecommunications systems. Brookfield IT Administrator, or the designee of Brookfield IT Administrator, reserves the right to monitor e-mail messages, Internet postings and faxes and to access all such messages

residing on Brookfield equipment or property. All messages sent or received by email or the Internet are stored automatically on Brookfield's computer system and deleting such messages does not guarantee that they cannot be retrieved.

Notwithstanding Brookfield's right to retrieve and read any e-mail messages, faxes or Internet postings generated from or sent to a Town - issued address, employees shall not retrieve or read any messages that are not sent to them unless express permission is given by the intended recipient.

No employee shall send e-mail under another employee's name nor shall any employee change any portion of a previously sent e-mail message without prior authorization.

APPROPRIATE USE

E-mail and related on-line services are the property of Brookfield and are to be used for business matters directly related to the operational activities of Brookfield and as a means to further Brookfield's objective to provide efficient, complete, accurate, and timely services.

Users shall act in a professional manner, properly identifying themselves, and shall ensure that they do not misrepresent themselves or Brookfield.

The telecommunications systems shall not be used for personal gain or to conduct personal business, political activity, fundraising activity, or charitable activity. The transmission of materials used for commercial promotion, product endorsement or political lobbying is strictly prohibited.

The telecommunications systems shall not be used to promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; to promote, result in, or contribute to sexual harassment; or to promote personal, political or religious business or beliefs.

The telecommunications systems shall not be used for any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity.

No user shall violate the computer security systems implemented by Brookfield or other institutions, organizations, companies, or individuals.

No user shall pirate software or download and transfer software for which the user does not have the proper licensing.

All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. Executable programs imported from other sites to Town computers may not be used unless they have been authorized by Brookfield IT Administrator, or the designee of Brookfield IT Administrator, and have been subjected to the virus detection procedures approved by Brookfield IT Administrator, or the designee of Brookfield IT Administrator.

Additional restrictions or regulations on the importing of remote files may from time to time be imposed and such restrictions or regulations shall be considered part of this policy.

For security purposes, employees should either log off or revert back to a password screen saver when leaving their computer for an extended period of time. When leaving for the day, employees should log off. All electronic media should be kept away from magnets including those found in telephone receivers and paper clip holders.

OPEN MEETING LAW COMPLIANCE

The District Attorney's Office has established guidelines for the use of e-mail by members of governmental bodies. These guidelines emphasize compliance with the Open Meeting Law (M.G.L. c. 39 sections 23A-23B as amended from time to time) by reaffirming that no substantive discussion by a quorum of members of a governmental body about public business within the jurisdiction of the governmental body is permissible except at a meeting held in compliance with the provisions of the Open Meeting Law. Despite the convenience and speed of communication by e-mail, its use by members of a governmental body carries a high risk of violating the Open Meeting Law. As with private conversations held in person or over the telephone, e-mail conversations among a quorum of members of a governmental body that relate to public business violate the Open Meeting Law, as the public is deprived of the opportunity to attend and monitor the e-mail "meeting". Because the very nature of e-mail makes it possible for private, serial conversations to reach a quorum of members without the knowledge of all participants, members of governmental bodies should exercise caution when communicating via e-mail on an individual basis.

Matters of a purely housekeeping or administrative nature, such as scheduling or canceling meetings, announcements, requests to place items on the agenda, or communications by members of a governmental body to department heads or staff may be communicated outside of a meeting, but care should be taken not to use e-mail for the purposes of deliberations.

FILING AND RETENTION

As public records, the retention and disposition of e-mail communications are stipulated retention schedules issued by the Secretary of the Commonwealth. In addition to retaining the actual text of a message and any attachments, transmission data contained in an e-mail communication (full header information including the sender, addressee, date and time of transmission and receipt, routing instruction) shall also be retained as part of the record, whether the record is printed out or stored electronically.

E-mail may be retained in hard copy, electronically, or by a combination of these two means; however, after two years, the record should be printed with full header information and attachments and retained in paper form. When appropriate, e-mail messages may be filed with program records and will assume the same retention as the records with which they are filed. Attached or enclosed records must be filed according to their function and content, and shall assume the retention schedule of the records with which they are filed. When Email records do not relate obviously or directly to a program, they may be filed as correspondence.

If a particular record is not described on an existing records retention schedule, the appropriate department head, through Brookfield Selectmen shall apply to the Supervisor of Public records for authority to dispose of that record, and to add records to existing schedules. Only when e-mail messages are clearly conversational and do not add in any way to the operational records of the department," may they be discarded without adhering to retention schedules.

AGREEMENT

All employees shall agree to abide by the Policy on Access and Use of Telecommunications Systems, and shall sign a statement so stating prior to the granting of access. A signed copy shall be maintained in the employee's personnel file. Any employee who violates this policy or sues Brookfield's telecommunications systems for improper purposes shall be subject to discipline, up to and including discharge

ALCOHOL AND DRUG USE POLICY

A. Purpose and Scope

The purpose of this policy is to outline the responsibilities of employees, supervisors and department heads with regard to drug and alcohol use in the workplace, the testing of employees for drug and alcohol use, and the testing of employees in safety-sensitive positions for drug and alcohol use in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991, and in accordance with the Drug-free Workplace Act of 1988.

B. Definitions

Words or phrases used in this policy are defined in 49 CFR 382, 107 or, if not defined in that Section, 49 CFR 40.3, 40.73, 386.2 and 390.5. (as amended from time to time)

For the purposes of this policy, safety-sensitive shall refer to all employees required by the United States to obtain and retain a Commercial Driver's License (CDL).

C. General Policy Regarding Drugs and Alcohol in the Workplace

Brookfield firmly believes that the use of drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to Brookfield's goal of maintaining a productive and safe work environment.

1. In accordance with the Federal Drug Free Workplace Act, the use, sale or possession of narcotics, illegal drugs or controlled substances while on the job or on Town property is prohibited and an offense warranting disciplinary action up to and including termination.
2. Employees who are under the influence of alcohol, either on the job or when reporting to work, or who possess or consume alcohol during work hours, have the potential for interfering with their own as well as their coworkers' safe and efficient job performance. Such conditions will be the basis for disciplinary action up to and including termination of employment.
3. Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor if any prescription drug is likely to have an impact on job performance. In addition, notification must be given at the time of any testing or screening as to any drugs or medicine being taken.
4. Any employee, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, who consumes, sells or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository, alcohol or drugs, which are not medically authorized, or is

found to have used or to be using such alcohol or drugs, may be placed on administrative leave or suspended immediately pending further investigation. If use, sale, or possession is substantiated, disciplinary action, up to and including termination will be imposed.

5. Brookfield is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems, and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.
6. If at any time an employee volunteers to enter a chemical dependency program, he/she will enter without fear of disciplinary action being taken against him/her as a direct result of seeking treatment, where such a program is designed to provide care and treatment to employees who are in need of rehabilitation. Details concerning the treatment any employee receives at this program shall remain confidential and shall not be released to the public.

ANTI FRAUD POLICY

Brookfield recognizes the importance of protecting Brookfield, its operations, its citizens, its taxpayers, its employees and its assets against financial risks and unethical activities. It is the policy of Brookfield to institute and clearly communicate a fraud prevention policy in an effort to prevent and deter all forms of fraud that could threaten the security of our assets and our reputation.

Brookfield has a ***Zero Tolerance*** policy with regard to fraud and is committed to undertake the following steps as part of its anti-fraud policy:

1. Education
2. Prevention
3. Detection
4. Investigation
5. Corrective Action

Education

The most effective way to reach most employees is through education. Actively fighting fraud means implementing policies and procedures that prevent and detect fraud. Brookfield's goal is to establish and maintain an environment of fairness, ethics and honesty. To maintain such an environment requires the active assistance of every employee, every day.

Definition of Fraud

Fraud is defined as a deception deliberately practiced to secure unfair or unlawful gain. The term includes such acts as: bribery, deception, embezzlement, extortion, false representation, forgery, the concealment of material facts, the misappropriation of money or assets and collusion or conspiracy to commit any or all of the above acts. Acts of fraud may include:

- Breach of fiduciary duty;
- Bribery;
- Concealment of material facts;
- Theft of money or physical property;
- Theft of secrets or intellectual property; and;
- Other statutory offenses.

Fraud

Fraud, as defined by this policy, includes any misuse or attempt to misuse a Town asset for personal gain or purposes unrelated to Town business. It may include, but is not limited to:

Misappropriation of Assets

- Forgery, alteration or misappropriation of cash, checks, bank drafts, promissory notes, securities or any other financial document
- Unauthorized use or disposition of funds or property
- Falsifying timesheets or payroll records
- Falsifying travel expenses and /or utilizing Town funds to pay for personal expenses or

- for personal benefit
- Theft
- Embezzlement
- Fictitious reporting of receipt of funds
- Falsification of expenses and invoices

Profiteering

- Offering, giving, soliciting and/or accepting an inducement or reward that may improperly influence the action of an employee of Brookfield.

Related Policies

This is a Town wide policy that is designed to augment Chapter 268A - "The Conflict of Interest Law". It is not intended to replace or preclude it in any way.

Internal Controls/Investigations

Brookfield Board of Selectmen or designee shall be responsible for developing internal controls to aid in preventing and detecting fraud or financial impropriety or irregularity. Reports of suspected fraudulent activities shall be investigated in a manner that protects the confidentiality of the parties and avoid unfounded accusations. Employees involved in the investigation shall be advised to keep information about the investigation confidential.

If a preliminary investigation substantiates occurrence of a fraudulent activity, the department head or designee shall issue a report to Brookfield Board of Selectmen. Final disposition of the matter and any decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with legal counsel. Results of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate need to know, or in accordance with a requirement to disclose under the provisions of the Public Records Law.

General Policy and Responsibilities

Brookfield Board of Selectmen or designee is responsible to investigate any suspected acts of fraud or misappropriation of property. An objective investigation will be conducted of any person, group or organization reasonably believed to have committed fraud, regardless of: position, job title, and length of service or relationship with Brookfield. Department heads are responsible for instituting and maintaining programs and controls to prevent deter and detect fraud.

All Town employees, upon discovery of any violation of this policy, must notify his/her supervisor of the violation through the normal chain of command.

Brookfield Board of Selectmen or designee has the primary responsibility for overseeing the investigation of all suspected fraudulent acts as defined in this policy. Brookfield Board of Selectmen will involve such individuals, but not limited to: the Auditor, Town Treasurer, Town Law Enforcement, Legal Counsel and others deemed appropriate.

Upon conclusion of the investigation, the results will be reported to Brookfield Selectmen or

designee. If there are reasonable grounds to believe that a fraud may have occurred, Brookfield Board of Selectmen may report the incident(s) to the appropriate authorities. Whatever action is taken by such appropriate authorities will not preclude Brookfield from taking disciplinary action where it believes discipline is warranted. Every reasonable effort will be pursued to recover Town assets.

Security of Evidence

Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records shall be initiated. The records will be adequately secured until the investigation is complete.

Confidentiality

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

Personnel Actions

If a suspicion of fraud is substantiated by the investigation Brookfield Board of Selectmen shall take disciplinary action, up to and including dismissal and appropriate legal action. Such disciplinary action may be taken independent of any findings and conclusions reached by any appropriate authority to which the fraud allegations are reported.

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the originator. If however, the allegation was made in bad faith or without a justifiable basis, appropriate disciplinary action may be taken against the individual making the erroneous allegation up to and including termination.

ATTENDANCE POLICY STATEMENT

Good attendance is an essential function of every Town employee's job and excessive absenteeism will not be tolerated. Since good attendance is required of every employee, patterns of attendance abuse, such as frequent absences on Fridays and/or Mondays, will be scrutinized closely and if improper use is found, employees will be subject to progressive discipline up to and including termination. Further, if an employee exhausts all of his/her accrued leave and have not been granted by Brookfield additional leave for an essential and lawful purpose as determined by Brookfield, he or she will be considered to be on unauthorized leave and will be subject to discipline up to and including termination.

BASIC LIFE INSURANCE

Brookfield will offer a basic life insurance policy for all eligible employees at the time of initial employment.

CONFLICT OF INTEREST

The purpose of this policy is to ensure that Town employees and officials comply with the requirements of M.G.L. Ch. 268A, as amended from time to time, which governs conduct as a public official or public employee. It is the policy of Brookfield to require compliance with the provisions of this law, as outlined below. Town employees and officials may not:

- A. Ask for or accept anything (regardless of its value) if it is offered in exchange for you agreeing to perform or not perform an official act.
- B. Ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes, and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered “a gift to your public employer,” provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
- C. Hire, promote, supervise or otherwise participate in the employment of your immediate family or your spouse’s immediate family.
- D. Take any type of official action which will affect the financial interests of your immediate family or your spouse’s immediate family. For instance, you may not participate in licensing or inspection processes involving a family member’s business.
- E. Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director, or trustee. For instance: you may not take any official action regarding an “after hours” employer, or its geographic competitors; you may not participate in licensing, inspection, zoning, or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact that organization or its competitors.
- F. Have more than one job with the same municipality or county or more than one job with the state, unless you qualify for an exemption.
- G. Have a financial interest in a contract with your public employer except under special circumstances. For instance: if you are a Town employee, a company you own may not be a vendor to that Town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- H. Represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.

I. Ever disclose confidential information, data, or material which you gained or learned as a public employee.

J. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure.

K. Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to you officially to propose private business dealings.

L. Use public resources for political or private purposes. Examples of “public resources” include: computers, phones, fax machines, postage machines, copiers, cars, staff time, sick time, uniforms, and official seals.

M. After leaving public service, take a job involving public contractors or any other particular matter in which you participated as a public employee.

Mandatory Training

All employees and officials shall participate and comply with the required training provisions of M.G.L. Ch. 268A, as amended from time to time.

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT

Brookfield will comply with the Consolidated Omnibus Budget Reconciliation Act (COBRA) which requires employer-sponsored group medical plans to allow covered employees and their dependents to elect to have their current medical coverage continued at the employee and dependents' expense, at group rates, following a qualifying loss of coverage.

CRIMINAL & SEXUAL OFFENDER RECORDS INFORMATION

Brookfield will adhere to laws regarding Criminal and Sexual Offender Record Information checks.

- 1. CORI.** The Criminal Offender Record Information (CORI) system is administered by the Massachusetts Criminal History Systems Board (Board). The Board adopts general grants for organizations when a number of applicants fit squarely into specific categories that are appropriate to receive CORI. General grants include, but are not limited to, those applicants for positions that have unmonitored access to children, the disabled, or the elderly. In addition, Brookfield can apply to the Board for CORI authorization for any position it deems appropriate. Brookfield will only request CORI information after a conditional offer is made to a candidate.
- 2. SORI.** The Sexual Offender Registry Board administers the Massachusetts Sexual Offender Registry. The Board keeps a database of convicted sex offenders and classifies each offender so that the public may receive information about dangerous sex offenders who live or work in each community. Brookfield will only request SORI information after a conditional offer is made to a candidate.

DISCIPLINE

A. Purpose

As with the Conduct Policy, the purpose of this policy is to ensure that:

- Employees meet Brookfield's legitimate expectations in the areas of performance, behavior and adherence to all Town policies;
- Employees whose performance or behavior is deficient are provided with the necessary assistance and motivation to meet Brookfield's expectations; and
- Disciplinary action initiated against an employee is fair and appropriate.

B. General Discipline Policy

Brookfield's disciplinary policy is one of progressive discipline. However, nothing herein shall be construed to limit Brookfield's right to impose discipline of any degree, up to and including termination, in a particular case without regard to the existence or non-existence of prior disciplinary action.

Employees who have not been appointed to a specific term of office are on an indefinite appointment and, as such, are considered at-will employees who may be terminated at any time for any reason, so long as it is not unlawful.

Discipline such as verbal and written reprimands shall be within the discretion of the department head and Board of Selectmen. Suspension without pay, other disciplinary action and termination are within the discretion of the appointing authority.

C. Discipline Policy Provisions

During the course of performing their duties, all Town employees are prohibited from engaging in any conduct that could reflect unfavorably upon Brookfield. Town employees shall avoid any action that might result in, or create the impression of using public office for private gain, giving preferential treatment to any person or losing complete impartiality in conducting Town business. Employees are expected to keep in mind that they are public employees and are to conduct themselves accordingly in a manner which in no way discredits Brookfield, public officials, or other employees.

Brookfield expects its employees to perform their jobs and conduct themselves in a manner consistent with Town standards and policies. However, when violations or problems occur, disciplinary action will result. Commission of any of the following acts by an employee while performing Town duties may result in disciplinary action up to and including termination:

- Violation of any Town policy;

- Misrepresentation, falsification or omission on the employment application or resume or other information on which hiring decisions was based;
- Falsification of records, including signing in or out for another employee or allowing another employee to sign in or out for you;
- Engaging in fraud;
- Failure to perform job assignments satisfactorily and efficiently;
- Engaging in unprofessional conduct, including comments;
- Failure to follow safety rules or to report unsafe actions or conditions;
- Unexcused absences;
- Excessive or patterned absenteeism or lateness;
- Revealing or making available any information of a confidential nature to any person not authorized or entitled to receive it;
- Stealing, theft or misappropriation of citizen, employee or Town property; unauthorized removal of any of the above;
- Misuse or destruction or damage of the property of Brookfield, any employee or citizen;
- Malingering, loitering or sleeping on the job;
- Reporting for duty impaired by alcohol or drugs, including prescription drugs;
- Engaging in behavior that could violate the Sexual Harassment policy;
- Gambling while on duty or on Town premises;
- Possession of weapon not required by duties;
- Provoking or instigation of a fight with another employee or any other person during working hours or on Town property;
- Insubordination;
- Conduct contrary to the best interest of Brookfield, its residents or employees while on or off duty.

DISCRIMINATION PREVENTION POLICY

A. Brookfield recognizes the right of individuals to work and advance on the basis of merit, ability and potential without regard to their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law. Non-discrimination and equal opportunity will be the policy of Brookfield in all of its employment programs and activities.

B. The policy of Brookfield is to:

- Recruit, hire and promote in all job classifications without regard to their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law.
- Make decisions about employment so as to encourage the development of a diverse workforce.
- Ensure that employment and promotion decisions are made in accordance with the principles of equal employment opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities.
- Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, training, tuition assistance, and social and recreational programs will be administered without regard to their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law.
- Prohibit any kind of harassment based on their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law.

DISCRIMINATION GRIEVANCE PROCEDURE

- A. The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that grievants are not required to exhaust Brookfield's procedures prior to filing a state or federal complaint or taking court action.
- B. Anyone who feels that he or she has been discriminated against by Brookfield on the basis of their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law in employment practices may file a grievance.
- C. The grievance should be in writing and should contain information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the problem. Reasonable accommodation, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint.
- D. The grievant should first attempt to resolve the grievance at the level of the department head. The department head will notify the Board of Selectmen if such a grievance is submitted.
- E. If the grievance is not resolved to the satisfaction of the grievant, or if the department head lacks authority or jurisdiction to correct the problem, the grievance should be submitted by the grievant and or his/her designee as soon as possible to the Board of Selectmen

DOMESTIC VIOLENCE LEAVE

Per the provisions of M.G.L. Chapter 149 Section 52E, as amended from time to time, which provides leave for victims and family members of domestic violence, employees may take up to 15 days of leave from work in any 12 month period if:

- the employee, or a family member of the employee, is a victim of abusive behavior;
- the employee is using the leave from work to: seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- The employee is not the perpetrator of the abusive behavior against such employee's family member.

Employees may use any accumulated benefit time, including sick time, for this leave. If the employee has no accumulated leave time, time taken will be unpaid.

Except in cases of imminent danger to the health or safety of an employee, an employee seeking leave from work under this section shall provide appropriate advance notice. Such notification may be communicated by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee. If an unscheduled absence occurs, an employee has 30 days to provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior. Appropriate forms of documentation are outlined in M.G.L. Chapter 149 Section 52E, as amended from time to time, or available from the Treasurer's Office. All information related to the employee's leave under this section shall be kept confidential by the employer and shall not be disclosed, except to the extent that disclosure is:

- requested or consented to, in writing, by the employee;
- ordered to be released by a court of competent jurisdiction;
- otherwise required by applicable federal or state law;
- required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or
- Necessary to protect the safety of the employee or others employed at the workplace.

DRESS CODE

Town employees are required to dress in an appropriate manner that is consistent with their work environment and not distracting to other employees or customers. Employees should take pride in their appearance by looking neat and clean at all times, keeping in mind that their role with Brookfield requires an acceptable appearance.

Business casual attire is appropriate for our work environment.

Business Casual shall mean, relating to or denoting a style of clothing that is less formal than traditional business wear, but is still intended to give a professional and businesslike impression.

Complaints that arise regarding employee attire will be reviewed on a case-by-case basis.

Clothing that is ripped, tattered, torn or stained should not be worn.

It is understood that there are employees who work in the field or other places where more casual clothing is required. These employees should use discretion when varying from the above listed standards but are allowed to wear clothing conducive to their work environment and responsibilities.

The department head or Board of Selectmen may ask an employee to leave the workplace when violations occur. The employee will not be paid for the time not worked and may be subject to appropriate disciplinary action. Any questions regarding this policy shall be directed to the department head or Board of Selectmen.

DRUG FREE WORKPLACE

A. It is the policy of Brookfield to provide a drug-free workplace for all of its employees in accordance with the provisions of the United States Drug-Free Workplace Act of 1988 (PL 100-690 or 41 U.S.C.S. 701-707).

B. Accordingly, Brookfield hereby notifies every employee that the manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited when employed by Brookfield.

C. Violation of this policy shall result in a disciplinary action, including, but not limited to, suspension and/or termination.

D. The purpose of establishing a drug-free workplace is to inform Town employees about:

1. the serious danger of drug abuse in the workplace;
2. Brookfield's policy of maintaining a drug-free workplace;
3. the availability of drug counseling, rehabilitation, and employee assistance programs; and
4. The consequences of employee drug use in the workplace.

E. Brookfield establishes, as a condition of employment, that each employee must abide by the drug-free workplace policy and that each employee must notify his or her supervisor within five (5) days of any conviction for violation of any federal or state criminal drug law occurring in the workplace.

F. Employees who are taking prescription narcotic medications authorized by a physician are required to inform their supervisor of such and submit a physician's note authorizing the employee to work and perform essential functions, such as drive and operate equipment.

G. Brookfield may notify the appropriate federal agency within ten (10) days of receiving notice of a violation of statute and shall have up to thirty (30) days, from the time of notification by the employee of a conviction for a workplace offense, to take appropriate personnel action up to and including discharge.

H. Brookfield may require the employee to participate in an approved drug abuse assistance rehabilitation program.

I. All employees will be given a copy of this policy to retain and review.

J. Brookfield will make a good faith effort to maintain a drug-free workplace through implementation of this policy statement.

K. Employees having any questions in regard to this policy are invited to contact their supervisor to discuss their concerns.

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

Brookfield is committed to a policy of equal opportunity for all employees. Brookfield actively seeks and employs qualified people and administers all personnel actions affecting employees without discrimination on the basis of their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

A. Introduction

The Federal Family and Medical Leave Act of 1993 (“FMLA” or “the Act”) was enacted on February 5, 1993. The new law was effective on August 5, 1993, however, where a collective bargaining agreement (“CBA”) was in place on that date, the Act became effective on February 5, 1994.

The FMLA entitles eligible employees to take up to twelve weeks of unpaid, job-protected leave each year for specified family and medical reasons. An eligible employee’s right to FMLA leave began on August 5, 1993 or February 5, 1994 as applicable.

B. Employee Eligibility

To be eligible for FMLA benefits with Brookfield, an employee must:

- Work for Brookfield;
- Have worked for Brookfield for a total of at least twelve months; and
- Have worked at least 1,250 hours over the previous twelve months.

C. Leave Entitlement

Brookfield will grant an eligible employee up to a total of twelve work weeks of unpaid leave during a fiscal year for one or more of the following reasons:

- For the birth or placement of a child for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition;
- For any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” **or**
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).

Leave for birth or placement for adoption or foster care must conclude within twelve months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently.

Brookfield may choose to require the use of accrued leave during some or all of the FMLA leave. In no case, however, can use of paid leave be credited as FMLA leave after the leave has ended.

D. Maintenance of Health Benefits

Brookfield will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The employee will make arrangements with the Human Resources Department to pay his or her share of health insurance premiums while on leave. Brookfield may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

E. Job Restoration

Upon return from FMLA leave, an employee will be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

In addition, an employee's use of FMLA leave will not result in the loss of an employment benefit that the employee earned or was entitled to before using FMLA leave.

F. Notice and Certification

Employees seeking to use FMLA leave are required to provide to their department head, with a copy to the Board of Selectmen:

- Thirty (30) days advanced notice of the need to take FMLA leave when the need is foreseeable, otherwise as soon as is practicable;
- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member in accordance with the FMLA form;
- Second or third medical opinions and periodic recertification (at Brookfield's expense) if requested by Brookfield; and
- Periodic reports during FMLA leave regarding the employee's status and intent to return to work as requested by the employee's department head.

When leave is needed under the category of care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt Brookfield's operation.

G Other Provisions

The FMLA does not affect any other federal or state law which prohibits discrimination, nor supersede any state or local law which provides greater family or medical leave protection. Nor does it affect Brookfield's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan, where applicable.

HEALTH INSURANCE

All eligible employees are entitled to participate in the health insurance programs offered by Brookfield. Eligibility is in accordance with these policies, M.G.L. c.32b and various federal laws. Employees must comply with notice requirements regarding dependents and selection of benefits.

HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT

A. Brookfield will comply with the Privacy Regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. Brookfield shall limit the use of and access to Protected Health Information which is held by Brookfield or its lawful agents. Protected Health Information is any written, oral or electronic form of information relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards established to limit use and access to protected health information are stated as an integral part of this policy, established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of Brookfield.

B. To assure this commitment to compliance Brookfield Selectmen designates the Treasurer's office as the Privacy Contact who shall have the responsibility:

1. To ensure that Brookfield Selectmen are kept informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations;
2. To ensure that documentation of Brookfield's efforts to comply with HIPAA privacy regulations is maintained;
3. To ensure that Brookfield's group health plan subscribers are sent privacy notices and new enrollees receive said notices;
4. To ensure that any protected health information disclosures are tracked;
5. To ensure that authorizations for disclosure and use of protected health information are properly processed;
6. To resolve complaints from participants about possible privacy violations;
7. To ensure that appropriate Town liaisons are maintained with the group health insurance program third party administrator, relevant business associates, and health insurance carriers, communicating Brookfield's commitment and securing the commitment of these entities to the privacy and security of protected health information;
8. To ensure that all required authorizations, agreements, etc. relative to the protected health information of group health insurance program participants are maintained; and
9. To monitor Brookfield's compliance with HIPAA privacy regulations on a regular basis.

C. Only those Town officials with a legitimate business purpose and bona fide need to know may be given access to protected health information in order to legally perform the position duties and administer the program.

D. As an employer, Brookfield may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law for

public health, communicable disease, abuse or neglect, or food and drug administration purposes.

E. Information which is normally maintained in the employment record which is not classified as protected health information includes all forms, responses, inquiries and data relative to the Family Medical Leave Act, drug screenings, fitness for duty, workers compensation, disability, life insurance, the Occupational Safety and Health Act and sick leave.

F. Protected employee health information may be released for other purposes only by the employee's authorization. The use and/or disclosure of protected health information is limited to the specific information for the specific purpose, to and from the specific individual and/or entity for a specific time period as delineated by the employee's authorization. Group health insurance program participants are allowed to review their protected health information that is held by Brookfield and to correct errors.

G. Brookfield separates protected health information from the employment record and retains such information in a locked file accessible only to authorized personnel. All entities which could receive protected health information (third party administrator, ambulance billing company, fully insured plan providers, legal counsel, actuaries and consultants) must enter into a business associate agreement with Brookfield committing to compliance with the HIPAA Privacy Regulations and providing satisfactory assurances that the business associate will appropriately safeguard the protected health information.

H. Participants that believe they have been aggrieved by the use or disclosure of protected health information may file a written grievance with the Privacy Contact within sixty (60) calendar days of the use or disclosure of the protected health information or within fifteen (15) calendar days of their knowledge of said use or disclosure. The grievance must delineate the specifics of the complaint, including but not limited to:

1. What unauthorized protected health information was released;
2. Who received the protected health information and/or is knowledgeable of the protected health information;
3. When was the protected health information released and/or when did the complainant become aware of the unauthorized knowledge of the protected health information; and
4. What was the result of the release of the unauthorized protected health information?

I. The Privacy Contact will meet with the complainant as soon as possible after the receipt of the grievance. During this meeting the Privacy Contact will discuss the issue brought forward with the complainant. The Privacy Contact will investigate the allegations of the complaint with the full support and assistance of Town management and, if necessary, legal counsel. The Privacy Contact will provide a written report of his/her findings and recommended action, if warranted, to Brookfield Board of Selectmen and the complainant within thirty (30) calendar days from the date of the meeting with the complainant. If for some reason the Privacy Contact is unable to conduct this meeting and/or investigation Brookfield Selectmen shall appoint an alternate senior manager to perform these duties.

J. Complainants may also contact the Federal Department of Health and Human Services for assistance.

K. Brookfield will comply with the Privacy Regulations established by the Federal Government and requires its employees to observe and comply with this policy and the use of the proper procedures and policy documents. Employees found to have breached protected health information security will be subject to disciplinary action, up to and including termination.

HOURS OF WORK AND OVERTIME

A. Payroll Form Submission

Payroll Vouchers are to be handed in on the Due Date by 12:00PM

B. Compensatory Time for Non-Exempt Employees

For eligible employees, compensatory time off in lieu of pay (“comp time”) for hours worked under 40 hours per week may be granted by the department head at a rate of one hour off for each hour worked. For hours worked over forty hours per week, the rate shall be 1.5 hours off for each hour worked. The department head shall approve the accrual and use of compensatory time. All hours accrued and used shall be reported to the Treasurer on weekly/monthly payroll sheets. Accrued “comp time” shall be used within a month from the time it is earned and shall not be carried over to the following month without permission of the Board of Selectmen. Accrued time not carried over shall be paid.

C. Meal & Break Periods

1. All full-time employees shall be granted regular meal periods which shall be scheduled at the middle of the normal workday whenever possible.
2. All employees’ work schedules shall provide for ten minute paid breaks during each one-half shift of the normal workday.

D. Emergency Closing Policy

Brookfield Selectmen may at their discretion close any or all offices of Brookfield as a result of inclement and/or severe weather or other emergent issues. This may include closing early, opening late or not opening at all.

If an employee has reported to work and is sent home, he/she will be paid for his/her regular pay for the day. Likewise, if delayed opening is approved the employee will be paid for his/her scheduled hours.

A non-exempt employee who does not report to work when there is no approved closing or delayed opening shall not be compensated for hours not worked. However, employees may use personal or vacation time with the approval of the Board of Selectmen.

Any employee who would not have reported to work due to illness, vacation, any other leave or schedule, shall be charged such leave as if the offices were not closed.

LONGEVITY

To encourage employee retention, a longevity stipend will be paid annually to all full-time and part-time with benefits employees (except elected officials who work less than 20 hours) with qualifying years of service. Stipend will be paid at the end of the Town’s fiscal year as follows:

Employment of	Amount
5-7 years	\$ 600.00
8-11 years	\$ 750.00
12-14 years	\$1000.00
15-19 years	\$1,250.00
20 years and above	\$1,500.00

Subject to annual funding at Town Meeting. Beginning FY 2024.

PERSONNEL RECORDS

The Treasurer's Department shall maintain the official personnel files. Department heads may maintain copies of files supporting departmental personnel actions pertaining to their department. All original personnel actions must be filed with the Treasurer's Office. Employees will be notified when items outside ordinary paperwork are placed in the personnel file. Upon reasonable notice, employees may review their personnel files; may, on request, receive a copy of the records; and may request, in writing, that material be removed from the file and, if denied, a written rebuttal from the employee may be included in the permanent files. It is the responsibility of employees to inform their departments of changes in their name, address, telephone number, marital status, and person(s) to be notified in an emergency and to notify Brookfield and the Retirement Board of changes in their personal status to insure proper coverage in the health benefit, life insurance and retirement plans.

POLITICAL ACTIVITY

The Federal Hatch Act as well as the Massachusetts Office of Campaign and Political Finance (OCPF) restrict political activities of public employees. During work hours, employees may not work, or be assigned to work for or on behalf of a political candidate or activity, or participate in other political activity such as lobbying, collecting funds, making speeches, assisting at meetings or distributing political pamphlets. Under no circumstances may an employee participate in any form of fund raising for a political candidate or activity during working or while engaged in any official Town business. All employees shall comply with the Hatch Act and OCPF requirements. Furthermore, no employee shall use Town property or equipment for political activities at any time.

REFERENCE POLICY

Employees, supervisors and department heads are prohibited from providing references for current or former employees. All reference inquiries are to be forwarded to the **Treasurer's office**

RETIREMENT

Employees who are benefits eligible shall be required to join the Retirement System. Contribution rates and eligibility is further defined within M.G.L. c.32, as amended from time to time.

Employees who are not required or eligible to contribute to the Retirement System will be required to contribute to an Omnibus Budget Reconciliation Act (OBRA) account.

RETIREE HEALTH INSURANCE

The following requirements and restrictions apply to retiring employees wishing to receive continued health insurance coverage. This policy is not intended to preclude the application of M.G.L. c. 32B, section 9 ½, as amended from time to time.

1. To be eligible to receive health insurance from Brookfield as a retiree, an employee must meet the following conditions:
 - a. The employee must work for Brookfield at the time of retirement and be eligible to receive benefits at the time of retirement, i.e. work 20 or more hours per week;
 - b. The employee must have worked for Brookfield and/or another political subdivision of the Commonwealth of Massachusetts for a combined tenure of at least ten (10) years.
 - c. The employee must be eligible for retirement as evidenced in writing by the Massachusetts State Retirement System.
 - d. The employee must retire from Brookfield and Massachusetts public service, except for working the limited hours and receiving the limited remuneration allowed for retirees under the State.
2. Brookfield will cover a qualified retiree and their current and qualified spouse and/or current and qualified dependents as their family exists at the time of retirement. Brookfield will not increase its plan coverage contribution amount if a retiree remarries and seeks a change in coverage type. Any increased cost due to such a status change will be the sole responsibility of the retiree. Any employee retiring with a family coverage plan is obligated to notify Brookfield if their family condition changes (divorce, death, dependents aging off of policy).
3. If a retiring eligible Town employee chooses not to participate in the health insurance program they are eligible for, subject to this policy at the time of retirement with Brookfield, they will be eligible to enroll under Brookfield's group carrier in the future during an open enrollment period or if they can satisfactorily demonstrate that a qualifying event has occurred, subject to the terms of this policy. In this case, Brookfield's plan coverage contribution will be limited to the coverage the retiree was qualified for on the date of their retirement.
4. Brookfield will be responsible and will limit its contribution to 60% of a Medicare Supplemental plan if 65 or over or if under the age of 65, Brookfield will contribute 60% of the lowest cost HMO plan. The retired employee will be responsible for all remaining costs. Plan coverage due to changes in a retiree's marital or dependent status after retirement will not be contributed to by Brookfield but can be obtained at the retiree's expense.
5. If an employee or retiree who has health insurance through Brookfield dies, his or her spouse will have the option to continue group coverage through Brookfield at 60% of

the cost of the premium and subject to the terms of this policy. If the surviving spouse is only eligible for single coverage at the time of initial continuation of coverage, Brookfield will not increase its payment if the surviving spouse remarries and seeks a family plan. Any increased cost due to a status change will be the sole responsibility of the surviving spouse.

6. At full retirement age as defined by the Social Security Administration and according to MGL C32B Section 18A, as amended from time to time, an active employee is required to enroll in Medicare Part A and defer Part B. A retired employee, spouse or surviving spouse eligible to receive coverage as provided herein will at full retirement age be required to enroll in Medicare Parts A & B, if eligible, and apply for a Medicare Supplemental coverage plan. Premium costs contribution from Brookfield will be for 60% of the Medicare Supplemental plan and subject to the terms of this policy.
7. Continuation of group basic life insurance is optionally available to retiring employees. Brookfield will be responsible for 60% of the cost of the group basic life insurance policy and the employee is responsible for the remaining 40%.
8. The retired employee will be responsible for 100% of any other voluntary insurance available through Brookfield's group coverage (i.e. dental insurance, additional life insurance etc.)
9. Town retirees will be notified of any changes in their premiums and to this policy by email, if available, or by first class mail.
10. The retired employee will be responsible for paying their premiums prior to the first day of the month for which they will be covered. If the retired employee's premiums are in arrears more than 30 days, Brookfield will notify the retired employee by certified first class mail that their insurance will be terminated for non-payment. Termination will be effective 30 days after the date of the certified notice.

SEXUAL HARASSMENT PREVENTION POLICY

Introduction

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

Because Brookfield takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment 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 our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of 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:

- 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,
- 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.

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

Retaliation

All employees should take special note that, as stated above, 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 this organization.

Complaints of Sexual Harassment

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has 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 Brookfield Board of Selectmen. Brookfield Selectmen will be able to provide information to you about our policy on sexual harassment and our complaint process.

Sexual Harassment Investigation

When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our 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 it is appropriate we will also impose disciplinary action.

Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual 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).

MCAD Boston Office	EEOC Boston Office
One Ashburton Place Sixth Floor, Room 601 Boston, MA 02108 Phone: 617-994-6000 TTY: 617-994-6196	John F. Kennedy Federal Building 475 Government Center Boston, MA 02203 : Phone: 1-800-669-4000 Fax: 617-565-3196 TTY: 1-800-669-6820

MCAD Springfield Office
436 Dwight St # 220
Springfield, MA 01103
413-739-2145

SMALL NECESSITIES LEAVE ACT (SNLA) POLICY

Brookfield will comply with the provisions of the Small Necessities Leave Act (M.G.L. c. 149, § 52D(b) as amended from time to time) which mandates that employers permit eligible employees to take up to a total of 24 hours of unpaid leave within a rolling 12-month period. The SNLA permits an employee leave for the following purposes:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference or interviewing for a new school;
- To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
- To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes.

The 24 hours may be taken within the 12-month calendar year period and the time may be taken on an intermittent (i.e. 2 hours to attend a parent-teacher conference) or reduced-time schedule.

An employee is required to provide his/her department with seven (7) days' notice of the need for the leave if the leave is foreseeable. If the necessity for the leave is not foreseeable, the employee is required to provide notice of the leave as soon as practicable.

The law provides for an unpaid leave. An employee may elect to use any available accrued vacation, personal or sick leave benefits provided the use of such time is in accordance with the employer's leave policies.

An employer may require the employee to substitute any of the employee's paid vacation leave, personal leave or sick leave for the leave provided for by the SNLA. A department may require that written certification or documentation support a request for leave under this act.

SOCIAL NETWORKING POLICY

A. INTRODUCTION

This Policy is intended to provide guidance with regard to the personal use of social networking sites during non-work hours and on equipment not belonging to Brookfield. Use of such social networking sites during work hours or on equipment owned and/or maintained by Brookfield is strictly prohibited.

B. PURPOSE

Because of Brookfield's substantial interest in maintaining a professional, collegial, confidential, and impartial workplace, it is imperative that all Town employees who engage in use of social networking sites, such as Facebook, Myspace, Twitter, Bebo, and others, accept the terms of this Policy and any such additional related policies that may be issued by Brookfield. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Employees are encouraged to remember that information posted on the internet can be easily traced back to its author, and should think before posting information to any online source. Statements made by employees pursuant to their official duties are not insulated from discipline because they occurred on social networking sites. The list of social networking sites contained above is not intended to be exhaustive, and shall be deemed to include any social networking sites in existence at the time this policy is reviewed by the employee or created thereafter.

C. GUIDELINES FOR USAGE

1. Professional Judgment. Employees are encouraged to use professional judgment at all times with regard to personal use of social networking sites. In using social networking sites, employees should at all times be respectful to co-workers, residents, or persons seeking assistance from Brookfield. Employees should not disclose confidential information, engage in any unlawful activity, or convey information that is disparaging or defamatory while using social networking sites, and should refrain from making comments or statements based upon race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or another basis prohibited under state or federal anti-discrimination statutes. Such statements or comments occurring online and/or through use of social networking sites will not be tolerated.

2. Improper Practices. It is not possible to list all the circumstances that may constitute violations of this policy. Activities and/or actions which are considered offensive are messages or material which contain nudity, sexual references or implications, sharing demeaning pictures, cartoons, or jokes, racial or ethnic slurs, or other comments that inappropriately address someone's race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or another basis prohibited under state or federal anti-discrimination statutes.

3. Disciplinary Action. The department head will evaluate any suspected violations of this policy on a case-by-case basis. A violation of this policy or any attempt to bypass or to circumvent this policy may result in disciplinary action ranging from a verbal warning up to discharge from employment. Violations of this policy may also result in referral of a case to the appropriate authorities for civil or criminal prosecution.

D. VIOLATIONS OF POLICY

Violation(s) of this policy may result in disciplinary action being taken against the employee, up to and including termination from employment. Employees shall report violations of this Policy to their supervisor, or in the case of department heads, directly to Brookfield Board of Selectmen. Retaliation against another user for reporting a violation or violations of this Policy is strictly prohibited by Brookfield.

VEHICLE USE AND REIMBURSEMENT POLICY

A. Purpose and Scope

The purpose of this policy is to set forth the guidelines for reimbursement or compensation for employee use of personal vehicles; the guidelines under which Town vehicles will be authorized to Town personnel; and the guidelines under which Town vehicles may be used.

B. Applicability

The provisions of this policy, which relate to expense reimbursement, apply to all employees in Town service with the exception of those employees who have separate contracts or collective bargaining agreements with Brookfield. The entire policy applies to all General Government employees. Employees whose employment is regulated by a collective bargaining agreement are subject only to those provisions of the policy not specifically regulated by agreement.

C. Definitions

Expense Reimbursement – that payment for approved expenses relating to personal automobile use upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.

Municipal Vehicle – those automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by Brookfield and licensed for travel on the public way.

Personal Automobile – that automobile owned or available for private use by the employees.

D. Policy

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

2. **Expense Reimbursement.** It is the policy of Brookfield to reimburse employees for reasonable expenses, which they incur as a result of personal automobile use on behalf of Brookfield. Receipts and a personal automobile travel expense report must be submitted in order for an employee to be reimbursed for such expenses.

Brookfield Selectmen shall determine the rate of reimbursement per mile after receiving appropriate information from the Accountant. Such information shall include, but not be limited to, cost of vehicle operation and survey of other government agencies.

E. Procedures

1. Expense Reimbursement – Personal Vehicles

- a. When an employee is authorized to use a personal automobile for work-related travel, she/he shall be reimbursed at the Federal mileage rate
- b. The mileage rate is intended to include the costs of gasoline, repairs, insurance and general wear and tear on the automobile.
- c. In addition to the mileage rate, Brookfield will reimburse employees authorized to travel for tolls and reasonable parking expenses, when receipts are provided. Employees will not be reimbursed for tolls which would normally be paid by the employee during his or her normal commute to work.
- d. An employee who uses her/his personal automobile to travel from home to a temporary assignment, rather than his or her regularly assigned work location, shall be allowed personal automobile expense between home and the temporary assignment, or between the temporary assignment and the regular work location, whichever is less.

2. Assignment of Municipal Vehicles

The assignment of municipal vehicles during work time use is based upon job description. Appointing authorities that have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function. Brookfield Board of Selectmen or appointing authority/department head may rescind the assignment of vehicles at any time.

3. Assignment of Municipal Vehicles for 24 Hour Use (Vehicles Use for Commuting Purposes)

- a. Brookfield Selectmen will make the assignment of vehicles for 24-hour use annually.
- b. Brookfield Selectmen shall make this determination after receiving and reviewing the following criteria:
 1. Officially designated on-call status
 2. Requirement for emergency availability
 3. Issuance of a pager or other communication device
 4. Emergency or other equipment contained in the vehicle
- c. Vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons.
- d. Whenever a position becomes vacant, the authorization or 24-hour use shall be reevaluated. This evaluation will employ the same process as the original determination under the provision of this section.
- e. Employees assigned vehicles for 24-hour use residing in a community of more than 25 miles one way shall reimburse Brookfield for the additional fuel cost as

determined by the Accountant

- f. Employee's assigned municipal vehicles on a 24-hour basis will be given a copy of this policy and will be required to sign a confirmation receipt.
- g. Imputed Income Taxation
 - 1. Employees who are assigned marked and unmarked police or fire vehicles, and/or marked municipal vehicles carrying tolls and meeting certain other eligibility criteria will not be subject to imputed income taxation as a result of the vehicle assignment.
 - 2. Other employees authorized to commute in a Town 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 Accountant shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Town vehicles for commuting purposes, and the normal one-way commuting distance on each December 1st.

4. General Rules Governing Municipal Vehicle Use

- a. Municipal vehicles may only be used for legitimate municipal business.
- b. 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). Family members shall not be transported in Town vehicles.
- c. Vehicles should contain only those items for which the vehicle is designed. Brookfield shall not be liable for the loss or damage of any personal property transported in the vehicle.
- d. Employees are expected to keep municipal vehicles clean and to report any malfunction or damage to Department Head immediately.
- e. Employee's assigned vehicles for commuting purpose are expected to park such vehicles in safe locations.
- f. Employees must wear seatbelts in vehicles so equipped, during operation of the vehicle.
- g. Employees may not operate municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications, which may interfere with effective and safe operation.
- h. Employees who operate municipal vehicles must have a valid Massachusetts motor vehicle license and may be required to provide proof of valid motor vehicle license once every six (6) months.
- i. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances and laws.
 - 1. Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fines unless Brookfield Selectmen approves the payment of such fines by Brookfield.
 - 2. Employees who are issued citations for any offense while using a municipal

vehicle must notify her/his supervisor immediately when practicable, but in no case later than 24 hours. Failure to provide such notice will be grounds for disciplinary action.

3. An employee who is assigned a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in her/his personal vehicle or in a municipal vehicle must notify her/his supervisor immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of vehicle privileges and/or further disciplinary action.
- j. No employee may use a municipal vehicle for out of state use without advance approval of Brookfield Selectmen.

F. Special Circumstances

This policy is intended to provide a basic framework governing the use of personal and municipal vehicles in Brookfield and as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this policy should contact the Human Resources Director who will provide such clarification and may authorize exceptions to the policy under mitigating circumstances.

G. Sanctions

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

WHISTLEBLOWER PROTECTION

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

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

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

C. Town employees who obtain knowledge of facts demonstrating improper governmental actions shall raise the issue first with their department head, Brookfield Board of Selectmen, or the appropriate governmental agency responsible for investigating such improper action. If requested by the department head or Brookfield Board of Selectmen, the employee shall submit a written report to Brookfield stating in detail the basis for the employee’s belief that an improper governmental action has occurred.

D. In the case of an emergency, the employee may report the improper governmental action directly to a person or entity that is not the person’s department head, the Board of Selectmen other governmental agency. In all other cases, the employee must first follow the reporting procedure outlined above.

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

1. Is reasonably certain that the activity, policy, or practice is known to one or more supervisors of Brookfield and the situation is emergency in nature;
2. Reasonably fears physical harm as a result of the disclosure provided; or
3. Makes the disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

F. Town employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this

policy or the Act. Employees who make false reports may be subject to the disciplinary action, up to and including termination.

G. The department head or the Board of Selectmen shall take prompt action to assist Brookfield in properly investigating the report of improper governmental action. Town officials, administrators, department heads and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation. Personnel actions taken as a result of the investigation may be kept confidential.

H. Town officials, department heads and employees are prohibited from taking retaliatory action against Brookfield employee because he or she has in good faith reported an improper governmental action in accordance with this policy.

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

J. The Board of Selectmen is responsible for implementing Brookfield's policies and procedures: (1) for reporting improper governmental actions, and (2) for protecting employees against retaliatory actions. Town officials and department heads are responsible for insuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including termination.

WORKERS' COMPENSATION

Employees who sustain injuries or illness in the performance of their duties will be covered for medical benefits and or disability payments under the town's current Workers' Compensation Policy.

Employees must report any on-the-job injury immediately to their supervisor. All injuries must be reported within twenty-four (24) hours.

Any employee who is collecting Workers' Compensation may use accumulated sick leave to make up the difference, if any, between the employee's regular pay and the workers' compensation payments allocated to lost time.

WORKPLACE SAFETY

A. General Policy

Brookfield shall endeavor to provide and maintain safe working conditions. As appropriate, employees shall be provided with necessary safety equipment, including vehicle seat belts. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

B. Safety Belts

All municipal personnel are required to wear safety belts when operating or riding in municipally owned or leased vehicles or in other vehicles, while engaged in Town-related business. Town Management insists that all municipal employees comply with this policy, including the Police, Fire and School departments.

C. Smoking Prohibition

Smoking is not allowed in any publicly owned or leased building or vehicle.

D. Cell Phone Use & Texting

Employees shall comply with all federal and state laws regarding the usage of cell phones, texting and other electronic and/or telecommunicating equipment while operating a Town vehicle.

E. Responsibilities of Department Heads and Employees

1. Department heads and supervisors shall be responsible for safe working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment, or conduct; ensure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.
2. Each employee shall observe all safety rules, operating procedures, and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems; and report all accidents promptly to the appropriate supervisor.

F. Disciplinary Action

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

WORKPLACE VIOLENCE PREVENTION

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

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

C. 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.

D. Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution. Employees may also be subject to disciplinary action, up to and including termination.

E. Brookfield needs the cooperation of all employees to implement this policy effectively and to maintain a safe working environment. Employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. Employees who observe or experience such behavior by anyone on Town property should report the incident immediately to a supervisor or department head, whether or not the alleged offender is a Town employee. Supervisors and department heads who receive such reports should contact the Board of Selectmen immediately for response. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department via 911.

F. Brookfield is committed to providing a safe environment for working and conducting business, in so far as is reasonably possible given available resources. Brookfield will not tolerate acts of violence committed by or against Town employees or members of the public on Town property, or during the performance of Town business, regardless of location.

G. For the purposes of this policy, the word violence shall mean an act or behavior that:

- is physically injurious or abusive;
- a reasonable person would perceive as obsessively directed (e.g. an intensely focused grudge, grievance or romantic interest in another person) and reasonably likely to result in harm or threats of harm to persons or property;
- consists of a communicated or reasonably perceived threat to harm another individual or in any other way endanger the safety of the individual;

- is a behavior or action that a reasonable person would perceive as menacing;
- involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
- Consists of a communicated or reasonably perceived threat to destroy property.

H. Possession or use by employees of firearms or other items which may be considered dangerous and/or are designed to cause death or serious bodily injury are prohibited on Town property, in Town vehicles, except for those employees who are engaged in official military or law enforcement activities. Possession or use of a firearm in such circumstances is prohibited whether or not the employee is licensed to carry a firearm, or has a Firearm Identification Card (FID). Use of other objects by employees, such as, but not limited to, pocketknives, razors, hammers, etc., in a dangerous or potentially dangerous manner is also prohibited.

I. Violent actions on Town property or facilities, or while on Town business, will not be tolerated or ignored. Any unlawful violent or non-violent actions committed by employees or members of the public on Town property, or while using Town facilities, will be subject to prosecution, as appropriate. Brookfield intends to use all reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

J. Department heads and supervisors are responsible for receiving reports of incidents of workplace violence, assessing situations, making judgments as to appropriate responses, responding to reports of workplace violence and initiating the investigation process. Department heads shall submit all reports to the Human Resources Director.

ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING

I am in receipt of Brookfield’s Personnel Policies and Procedures Manual. I received the binder on _____. (Date). The enclosed policies were explained to me and I had an opportunity to review and read the policies.

I understand it is my responsibility to be familiar with and adhere to the provisions of these policies.

I understand these policies do not constitute a contract of any nature between the Town of Brookfield and the Employee.

The policies I received included the following:

Access & Use of Telecommunications Systems	3
Alcohol and Drug Use Policy	7
Anti-Fraud Policy	9
Attendance Policy Statement	12
Basic Life Insurance	13
Conflict of Interest	14
Consolidated Omnibus Budget Reconciliation Act	16
Criminal & Sex Offender Records Information	17
Discipline	18
Discrimination Prevention Policy	20
Discrimination Grievance Procedure	21
Domestic Violence Leave	22
Dress Code	23
Drug Free Workplace	24
Equal Employment Opportunity/Affirmative Action	25
Family & Medical Leave Act (FMLA)	26
Health Insurance	28
Health Insurance Portability & Accountability Act	29
Hours of Work and Overtime	32
Longevity	33
Personnel Records	34
Political Activity	35
Reference Policy	36
Retirement	37
Retiree Health Insurance	38
Sexual Harassment Prevention Policy	40
Small Necessities Leave Act (SNLA) Policy	43
Social Networking Policy	44
Vehicle Use and Reimbursement Policy	46
Whistleblower Protection	50
Worker’s Compensation	52

Workplace Safety	55
Workplace Violence Prevention	56
Acknowledgement of Receipt and Understanding Form	58

Personnel Bylaw - Separate Document Attached Herewith provided

EMPLOYEE PRINTED NAME

EMPLOYEE SIGNATURE

DATE

Note: A copy of this acknowledgement form will be placed in the employee's personnel file.