

# TOWN OF NORFOLK

## Board of Selectmen Policies

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Board of Selectmen

7/16/14



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## *ADA COMPLIANCE POLICY*

### **Rationale:**

This policy is adopted to facilitate and ensure timely and cost effective compliance with the Americans with Disabilities Act (ADA) for the Town of Norfolk facilities and employees.

### **Policy:**

#### Town Owned Facilities:

It is the onus of all town boards, committees, and departments that are planning new construction or acquisitions through purchase, rental, or lease of facilities, or remodeling and/or additions to existing facilities, to adhere to the following procedure:

1. Contact the Town Administrator in writing at the inception of your planning process, prior to securing the services of an architect/designer/engineer. The Town Administrator will brief your group on the essential elements of ADA.

#### Town Employees:

The Town of Norfolk is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the Town of Norfolk to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Massachusetts law and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

### **Definition**

Disability: For purposes of determining eligibility for a reasonable

accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

### **Reasonable accommodation**

Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

1. To assure equal opportunity in the employment process;
2. To enable a qualified individual with a disability to perform the essential functions of a job; and
3. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Procedure - Current employees and employees seeking promotion

1. The employee shall inform his/her supervisor or the ADA Coordinator designee of the need for an accommodation.
2. The ADA Coordinator/designee may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
3. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:

- Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
- Determine the precise job-related limitation.
- Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
- Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the Town of Norfolk is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
- The ADA Coordinator or designee will work with the employee to obtain technical assistance, as needed.
- The ADA Coordinator or designee will provide a decision to the employee within a reasonable amount of time.
- If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator or designee shall work together to determine whether reassignment is possible/available or may be an appropriate accommodation.

### **Procedure - Job applicants**

1. The job applicant shall inform the hiring manager of the need for an accommodation. The hiring manager will discuss with the ADA Coordinator or designee the needed accommodation and possible alternatives for the applicant.
2. The ADA Coordinator or designee will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

### **Definition**

Undue hardship. An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Town of Norfolk.

## **Procedure for determining undue hardship**

1. The employee will meet with the ADA Coordinator or designee to discuss the requested accommodation.
2. The ADA Coordinator or designee will review undue hardships by considering: The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
3. The impact of the accommodation on the nature or operation of the Town of Norfolk.
4. The ADA Coordinator designee will provide a decision to the employee.

## **Appeals**

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the Board of Selectmen within a reasonable period of time, for a final decision.

## *HANDLING CORRESPONDENCE POLICY*

### *Rationale:*

The purpose of this policy is to establish a procedure for written correspondence generated by the Board of Selectmen and its staff, and correspondence received from others.

### *Policy:*

The Town Administrator shall be responsible for generating correspondence as requested by the Board of Selectmen. Said correspondence shall be under the signature of the Town Administrator, however, the Board of Selectmen may direct that certain documents be issued in its name.

- Any documents, including contracts, prepared for the signature of the Board of Selectmen, shall contain the appropriate signature lines for all members.
- Individual Selectmen shall not issue correspondence of a business nature under Town of Norfolk letterhead without the consent of a majority of its members.
- Individual members will be authorized to use letterhead and direct staff to prepare memoranda in response to questions or concerns expressed directly to a Selectman. Informal note stationary may also be used for this purpose.
- Any correspondence sent from the Town Administrator and department heads to individual Selectmen will be copied and made available to all members as a matter of courtesy.
- The use of town resources including stationary, envelopes, postage or staff time for conducted or supporting political campaign activities or personal reasons is prohibited. . This prohibition extends to any matter that will appear as a ballot referendum question, except as provided in guidelines published by the State Office of Campaign and Political Finance.

It is not the intent of this policy to have all outgoing and incoming correspondence copied and included as part of the regular meeting package. The Town Administrator shall use his discretion in determining whether correspondence is of sufficient interest to the Selectmen, and

include copies in the meeting package. However, all correspondence will be left in an appropriate area such that each member may read it as desired for a period of four (4) weeks

The Town Administrator is designated as the keeper of the records for all documents within the custody of the Board of Selectmen. Requests for locating old correspondence, files, documents, contracts, etc. should be made through the Town Administrator.

## ***DRUG AND ALCOHOL POLICY***

The Town of Norfolk strives to maintain a workplace free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. Misuse of alcohol or drugs by employees can impair the ability of employees to perform their duties, create a dangerous situation, as well as adversely affect our customers' and customers' confidence in the Town of Norfolk.

### **Alcohol**

Employees are prohibited from using or being under the influence of alcohol while performing company business for the Town of Norfolk, while operating a motor vehicle in the course of business or for any job-related purpose, or while on company premises or a worksite.

### **Drugs**

Town of Norfolk employees are prohibited from using or being under the influence of illegal drugs or marijuana while performing company business or while on a company facility or worksite. You may not use, manufacture, distribute, purchase, transfer or possess an illegal drug or marijuana while in Town of Norfolk facilities, while operating a motor vehicle for any job-related purpose or while on the job, or while performing company business. This policy does not prohibit the proper use of medication under the direction of a physician; however, misuse of such medications is prohibited.

### **Disciplinary Action**

Employees who violate this policy may be disciplined or terminated, even for a first offense. Violations include refusal to consent to and comply with testing and search procedures as described.

### **Searches**

Town of Norfolk may conduct searches for illegal drugs or marijuana or alcohol on company facilities or worksites without prior notice to employees. Such searches may be conducted at any time. Employees are expected to cooperate fully.

Searches of employees and their personal property may be conducted when there is reasonable suspicion to believe that the employee has violated this policy or when circumstances or workplace conditions justify such a search. Personal property may include, but is not limited to, purses, boxes, briefcases, as well as any Town of Norfolk property that is provided for employees' personal use, such as desks, lockers, and files.

An employee's consent to a search is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, including termination.

### **Drug Testing**

Town of Norfolk may require a blood test, urinalysis, hair test or other drug or alcohol screening of employees suspected of using or being under the influence of drugs or alcohol or where other circumstances or workplace conditions justify such testing. The refusal to consent to testing may result in disciplinary action, including termination.

### **Additional Points:**

1. No employee shall report for duty or remain on duty while having a blood alcohol concentration of 0.02 or greater.
2. No covered employee who performs a safety sensitive function shall engage in safety sensitive functions within four hours after using alcohol.
3. No covered employee who performs a safety sensitive function and who is required to take a post-accident alcohol test pursuant to the policy shall use alcohol for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.
4. No covered employee who performs a safety sensitive function shall report for duty or remain on duty when the employee is using any prescription drug except when the use is pursuant to the instructions of a physician who has advised the employee that the prescription drugs do not adversely affect the employee's ability to safely operate a commercial motor vehicle.

## DRUG AND ALCOHOL TESTING PROCEDURES

### I. DEFINITIONS

1. "Accident"

A collision or non-collision incident involving a Commercial Motor Vehicle operated by a Covered Employee resulting in property damage, personal injury or the issuance of a civil motor vehicle infraction notice, a criminal complaint or criminal complaint application.

2. "Alcohol"

The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

3. "Alcohol Use"

The consumption of any beverage, mixture, or preparation including any medication containing Alcohol.

4. "Blind Sample"

A urine Specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from Employee Specimens, and is spiked with known quantities or specific Drugs or is blank containing no Drugs.

5. "Blood Alcohol Concentration- (BAC)"

Grams alcohol per 210 liters of breath as indicated by an Evidential Breath Test (EBT) in accordance with the Uniform Vehicle Code, Section II-903 (a)(5).

6. "Breath Alcohol Technician (BAT)"

An individual who instructs and assists individuals in the Alcohol testing process and who operates an Evidential Breath Testing Device (EBT).

7. "Certified Laboratory"

Laboratories certified under the DHHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs", 53 CFR 11970, April 11, 1988 and subsequent amendments thereto.

8. "Chain of Custody"

Those procedures employed to account for the integrity of each urine Specimen by tracking its handling and storage from point of Specimen collection to final disposition. These procedures require that an appropriate Drug testing chain of custody form from a

DHHS/NIDA Certified Laboratory be used from the time of collection to receipt by the testing laboratory.

9. "Collection Site"

A clinic or other location (including a mobile unit) designated by the Employer where the applicant or the Employee may present himself or herself for the purpose of providing a Specimen of his or her urine to be analyzed for the presence of Drugs, or for providing a breath sample to be analyzed for the presence of Alcohol.

10. "Collection Site Person or Collector"

A person who instructs and assists applicants and Employees at a Collection Site and who receives and performs a Screening Test or the urine Specimen provided by the applicants and Employees.

11. "Commercial Motor Vehicle"

Any self-propelled or towed vehicle used on public highways to transport passengers or property when:

- a. The vehicle has a gross vehicle weight rating or gross combination weight rating of 26001 or more pounds; or
- b. The vehicle is designed to transport more than sixteen passengers including the driver; or
- c. The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Department of Transportation pursuant to the Hazardous Materials Transportation Act.

12. "Confirmation Test"

A second analytical procedure used to identify the presence of a Drug and/or a specific Drug Metabolite which is independent of the Initial Test and which uses a different technique and chemical principal from that of the Initial Test in order to insure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, amphetamines, opiates, and phencyclidine. In the case of Alcohol testing, a second test (following a Screening Test with a result of 0.02 or greater) that provides quantitative data of actual concentration and which meets the requirements of 4 CFR 40.53 (b) (1)-(5).

13. "Covered Employee"

Any person employed by the municipality on a part-time or full-time basis who:

- a. Performs a Safety Sensitive Function, or
- b. Otherwise is subject to Drug and Alcohol testing under the terms of any applicable collective bargaining agreement or other personnel rules of the municipality. For the purpose of pre-employment testing only, the term "covered employee" includes a person applying for Covered Employment.

14. "Covered Employment"

Any employment activity that requires or involves the performance of a Safety Sensitive Function; or any employment activity which is subject to reasonable suspicion or reasonable cause Alcohol or Drug testing.

15. "Detected"

Indicative of the presence of a Drug or Metabolite in the Specimen when tested or the presence of a BAC of 0.02 or greater in a Specimen when tested.

16. "DHHS"

The Department of Health and Human Services or any designee of the Secretary of the Department of Health and Human Services.

17. "DOT Agency"

An agency (or operating administration) of the United States Department of Transportation administering regulations requiring Alcohol and/or Drug testing.

18. "Drugs"

Any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act (21 U.S.C. 802(6)): marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

19. "Evidential Breath Testing Device" (EBT)

An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on the NHTSA's Conforming Products List of Evidential Breath Measurement Devices.

20. "Employee"

Any person working full or part-time for the municipality for pay and who is subject to the Personnel By-laws of the Town.

21. "Employer"

The municipality and any of its departments or divisions.

22. "Fail a Drug or Alcohol Test" or "Test Positive"

In connection with Drug testing, the Confirmation Test result providing evidence of the presence of a Drug in the Employee's or applicant's system; or in connection with Alcohol testing, a quantitative Confirmation Test result showing a BAC of 0.02 or greater.

23. "Initial Test"

An immunoassay screen to eliminate "negative" urine Specimens from further considerations or an EBT test used for Screening Tests.

24. "Medical Review Officer" (MRO)

A licensed physician responsible for receiving laboratory results generated by this Policy who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an Employee's or applicant's confirmed Test Positive result together with his or her medical history and any other relevant biomedical information.

25. "Metabolite"

Compounds resulting from the breakdown of drugs by the body metabolism.

26. "NIDA Certified Laboratory"

The National Institute on Drug Abuse (NIDA) was established by the DHHS in 1986 to regulate laboratories performing analytical tests (Drug tests) on human body fluids for employment purposes in the public sector.

27. "Non-Detected"

Indicative of the absence of any Drug or Metabolite in the Specimen when tested or absence of Alcohol as shown by a BAC of less than 0.02 in the Specimen when tested.

28. "Pass a Drug or Alcohol Test" or "Test Negative"

In connection with Drug testing, the Initial Testing does not show evidence of the presence of a drug in the Employee's or applicant's system; or in connection with Alcohol testing, an Initial Test which shows a BAC below 0.02.

29. "Performing a Safety Sensitive Function"

An Employee is considered to be Performing a Safety Sensitive Function during any period in which he or she is actually performing, ready to perform, or immediately available to Perform any Safety Sensitive Functions.

30. "Prescription Drug"

A Drug prescribed to an individual by a licensed physician. The medicine must be in the original container with the label identifying the individual's name, the Drug and the licensed physician's name.

31. "Refusal to Submit a Specimen"

An Employee or applicant will be deemed to have Refused to Submit a Specimen when:

- a. He or she fails to provide adequate breath for testing without providing a written opinion of a licensed physician that a medical condition has, or with a high degree or probability, could have precluded the employee from providing an adequate amount of breath, or
- b. He or she fails to provide at least 45 milliliters or urine for Drug testing without providing a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this Policy or
- c. He or she engages in conduct that clearly obstructs the testing process, or
- d. He or she attempts to tamper with or adulterate a Specimen, or
- e. He or she fails to provide a photo I.D. at the time of the testing, or
- f. He or she refuses to sign the certification block on the Breath Alcohol Testing Form that reads: "I certify that I am about to submit to breath alcohol testing required by U.S. Department of Transportation regulations and that the identifying information provided on this form is true and accurate", or
- g. He or she refuses to sign without good cause the certification on the Drug Testing Custody and Control Form that reads as follows: "I certify that I provided my urine specimen to the Collector, that the specimen bottle was sealed with a tamper-

proof seal in my presence, and that the information provided on the form and on the label affixed to the specimen bottle is correct, or

- h. He or she refuses to sign a consent or release form authorizing the collection of the Specimen, analysis of the Specimen for Drugs and release of the results to the Employer.

32. "Rejected Specimen or Broken Chain of Custody"

A Specimen that has been received by the laboratory and rejected because it has failed the Chain of Custody protocol has incurred tampering, adulteration, breakage or some other reason that would put integrity or identity of the Specimen in jeopardy.

33. "Safety Sensitive Function"

Operating for any period of time, in any place, a Commercial Motor Vehicle, or employment activity preparatory to operating a Commercial Motor Vehicle.

34. "Screening Test"

In Alcohol testing, an EBT test to determine whether an Employee or applicant has Alcohol in his or her system. In Drug testing, an immunoassay screen to eliminate "negative" urine Specimens from further consideration.

35. "Specimen"

A urine specimen, in the case of Drug testing; or a breath sample, in the case of Alcohol testing. A photo I.D. is required incident to both a urine sample and a breath sample.

36. "Substance Abuse Professional"

A licensed physician (Medical Doctor or Doctor of Osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

## II. TESTING OF COVERED EMPLOYEES

### A. DRUG TESTING

All Covered Employees are required to be testing for five drugs: Marijuana, cocaine, opiates, amphetamines, and phencyclidine. Testing procedures will comply with the Department of Transportation (DOT) regulations concerning Drug testing of Commercial Motor Vehicle drivers (49 CFR 40) which are incorporated into and distributed with this Policy.

All testing will be done at the Collection Site designated by the Employer. Unless otherwise specifically noted in this Policy, all testing will be paid for by the Employer. Notice of testing will be given during Covered Employment.

A Medical Review Officer shall review all confirmed Test Positive results prior to the transmission of the results to the Employer. Prior to making a final decision to verify a Test Positive result for an Employee or applicant, the MRO shall give the Employee or applicant an opportunity to discuss the test result with him or her. The Employee or applicant may request a re-test of the split sample if he or she does so within 72 hours of the Employee or applicant's having been informed of a verified Positive Test by the MRO.

This re-test of the split sample shall be paid for by the Employee or applicant. The Employee or applicant may select another DHHS certified laboratory to re-test the Specimen. The results of the re-test shall be conclusive.

Once the MRO has verified a Test Positive and communicated that fact to the Employer, the Employer will immediately suspend the employee without pay or notify the applicant that the hiring process is terminated, commence appropriate disciplinary proceedings, and refer the Employee to a Substance Abuse Professional for evaluation.

Should the Substance Abuse Professional recommend a program of treatment and rehabilitation, the Employee upon written request and consent of the Employer may be permitted a leave of absence, in order to under-go treatment and rehabilitation. The Employee will be required to exhaust all accumulated sick leave and vacation days and apply for leave under the provisions of the Family and Medical Leave Act of 1993

before additional unpaid administrative leave will be granted. In no event will a leave of absence longer than permitted under the Family and Medical Leave Act of 1993 be granted to the Employee.

Employees who refuse to enter a treatment program when so advised by the Substance Abuse Professional will be subject to immediate dismissal in accordance with Article XXIII(B) of the town's personnel policy.

Employees who fail to re-apply for re-instatement or fail to test negatively on the Return-to-Duty drug test will be subject to immediate dismissal. Employees that are re-instated and fail one of the Drug tests during the post rehabilitation period will also be subject to immediate dismissal.

Employees or applicants will be required to be tested for drugs under the following circumstances:

#### 1. Pre-Employment Testing

Applicants for Covered Employment will be informed during the application process that no person shall be hired for a Covered Employment position unless they have been tested pursuant to the Drug Testing section of this Policy and have received a Negative Test result.

Pre-Employment testing also applies to any Covered Employee returning from a leave of absence who was not last actively employed when the Policy became effective and to any Employee transferring from a non-Covered Employee position to a Covered Employee position. Applicants, returning or transferring Employees will be required to pay for the pre-employment test.

Persons tested under the pre-employment testing provisions of this Policy shall be informed that their Specimen will be tested for the presence of drugs. Refusal to Provide the Specimen will result in termination of the application and hiring process. Applicants tested under the pre-employment testing provisions of this Policy who Test Positively will not be hired.

A Covered Employee who is returning from a leave of absence that commenced prior to the effective date of this Policy or a non-Covered Employee who is transferring from a non-Covered Employee position to a Covered Employee position who Refuses to Provide a Specimen or who is tested and Test Positively will not be allowed to resume or to transfer to a Covered Employment or continue other employment with the Employer, shall be immediately suspended without pay, and will be subject to discipline consistent with any applicable law and the rules, policies and procedures of the Employer.

## 2. Random Testing

Each year a percentage of all Covered Employees Performing Safety Sensitive Functions will be randomly selected for Drug Testing pursuant to the procedures set forth in this Policy. Initially this percentage will be 50%. The minimum annual percentage rate for random Drug testing will be established each year by the Federal Highway Administrator and published in the Federal Register. The Employer's annual testing rate will be identical with the rate set each year by the FHWA Administrator.

A computer program determines the random selection process. The program is run monthly and confidential lists are sent from the Employer's Drug and Alcohol Program Administrator to authorized personnel at the appropriate department. Once the Employee selected for the random Drug test receives notice, that Employee must proceed at once to the Collection Site where he or she must provide a urine Specimen.

Employees selected for Drug testing pursuant to this Policy's random selection provision who refuse to provide a Specimen or who Test Positively shall be immediately suspended without pay and subject to discipline consistent with any applicable law, and the rules, policies, and procedures of the Employer.

## 3. Post-Accident Testing

A Covered Employee who Performs Safety Sensitive Functions who is involved in an Accident shall provide a Specimen for Drug testing

pursuant to this Policy's procedures as soon as possible after the time of the Accident but in no event later than thirty-two hours after the time of the subject Accident.

If the Employee is hospitalized and unable to provide a Specimen as required by this section, the Employee or his or her legal representative shall provide all necessary authorization for the Employer to obtain medical records and reports, including hospital and laboratory records and reports, to determine whether there were any Drugs in his or her system at the time of the Accident.

Employees required to be tested pursuant to this section who refuse to submit a Specimen or who Test Positively will be immediately suspended without pay and subject to discipline consistent with any applicable law, and the rules, policies, and procedures of the Employer.

#### 4. Reasonable Suspicion or Reasonable Cause Testing

A Covered Employee shall be required to submit to the Drug testing procedures provided for in this Policy when there is a reasonable suspicion or reasonable cause to believe that the Covered Employee is using or is under the influence of a Drug. Reasonable suspicion or cause shall be based upon specific behavioral or performance indicators of probable Drug use.

Upon determination by the appropriate supervisor, manager, or department head that a reasonable suspicion exists that a Covered Employee is using or under the influence of a Drug, the Covered Employee shall be ordered to immediately submit a Specimen at a Collection Site specified by the Employer. If the Collection Site is offsite, the Employee will be transported to and from the Collection Site. The Employee shall be placed on sick leave until the test result is received by the Employer. If it is a Test Negative, the sick leave will be restored to the Employee and the Employee will immediately return to Covered Employment.

If the Test is Positive or if the Employee Refuses to Submit a Specimen, the Employee will be immediately suspended without pay and subject

to discipline consistent with any applicable law, and the rules, policies, and procedures of the Employer.

#### 5. Return to Duty Testing

Any Covered Employee returning to Covered Employment after engaging in conduct prohibited by this Policy shall undergo Drug testing, pursuant to the procedures set forth in this Policy prior to actually engaging in Covered Employment.

A Covered Employee required to be tested pursuant to this section that Tests Positively or who refuses to submit a Specimen will be subject to immediate dismissal.

#### 6. Post Rehabilitation Period Testing

Any Covered Employee who has Test Positively on a Drug test and who is subsequently re-instated will be subject to Drug testing during the post rehabilitation period. No less than six tests will be administered in the first twelve months following the return to duty. More tests may be ordered by the Substance Abuse Professional for a period of time not to exceed 60 months from the return to duty. A Covered Employee, who fails to complete a rehabilitation program as determined by the Substance Abuse Professional, Refuses to Submit a Specimen during the post rehabilitation period or who Tests Positively during the post rehabilitation period will be subject to immediate dismissal.

#### 7. Biennial-Periodic Testing

A Covered Employee who Performs Safety Sensitive Functions shall be tested at least once every two years commencing from the start of Covered Employment or the effective date of the Omnibus Transportation Employee Testing Act of 1994 in this municipality. This requirement shall not apply to a Covered Employee who has been tested for Drug use under any other section of this Policy within the prior twenty-four months.

Employees who Test Positively or who Refuse to Submit a Specimen will be immediately suspended without pay and subject to discipline consistent with any applicable law, and the rules, policies, and procedures of the Employer.

## **B. ALCOHOL TESTING**

Covered Employees who Perform Safety Sensitive Functions will be required to under-go testing for the misuse of Alcohol. This testing shall consist of breath analysis performed at a Collection Site. A test result of 0.02 BAC or greater but less than 0.04 will result in the Employee being placed on sick leave. Before returning to duty the Employee must under-go another Alcohol test which he or she must pay for. If the second test result is a BAC of less than 0.02, the Employee shall return to duty at the start of the next normal shift. If the second test result is a BAC of 0.02 or greater but less than 0.04, the Employee shall remain on sick leave until that time when the Employee can provide at his or her own expense a test result of less than 0.02 BAC. If the Employee's accumulated sick leave has been exhausted without the Employee producing an Alcohol test result whose BAC is less than 0.02, the Employee may apply for a leave of absence in order to under-go treatment and rehabilitation. If the Employee exhausts his or her accumulated sick leave without having produced an Alcohol test result whose BAC is less than 0.02 and has not requested a leave of absence in order to under-go treatment and rehabilitation, the Employee will be subject to immediate dismissal in accordance with Article XXIII (B) of the Town's Personnel Bylaw.

If any Alcohol test result is 0.04 BAC or greater, the Employee will be suspended without pay and subject to discipline consistent with any applicable law, and the rules, policies, and procedures of the Employer.

Any Employee whose Alcohol test result is 0.04 BAC or greater will be referred to a Substance Abuse Professional for evaluation. Should the Substance Abuse Professional recommend a program of treatment and rehabilitation, the Employee upon written request and consent of the Employer may be permitted a leave of absence in order to under-go treatment and rehabilitation. The Employee will be required to exhaust

all accumulated sick leave and vacation days and apply for unpaid leave under the Family and Medical Leave Act of 1993 before additional unpaid administrative leave will be granted. In no event will a leave of absence longer than permitted under the Family and Medical Leave Act of 1993 be granted to the Employee.

Employees who refuse to enter a treatment program after being so advised by the Substance Abuse Professional will be subject to immediate dismissal.

Employees that fail to re-apply for re-instatement or whose test result is a BAC of 0.04 or greater on the Return-To-Duty Alcohol test will be immediately terminated. Employees that are re-instated and have a test result of 0.04 BAC on any test administered during the post rehabilitation period will also be subject to immediate dismissal.

Covered Employees or applicants who Perform Safety Sensitive Functions will be subject to Alcohol testing under the following circumstances:

#### 1. Pre-Employment Testing

Prospective Covered Employees will be informed during the application process that no person shall be hired for a Covered Employment position involving the Performance of Safety Sensitive Functions unless they have tested pursuant to this Policy and have received a Test Negative result. Pre-employment testing also applies to any Covered Employee returning from a leave of absence who was not last actively employed when the policy became effective and to any municipal Employee transferring from a non-Covered Employee position to a Covered Employment position requiring the Performance of Safety Sensitive Functions. The cost of this test will be paid for by the applicant, returning or transferring Employee.

Persons tested under the pre-employment provisions of this Policy shall be informed that their Specimen will be tested for the presence of Alcohol. Refusal to Submit a Specimen or a Positive Test will result in the termination of the application and hiring process. Applicants tested

under the pre-employment testing provisions of this Policy who Test Positively will not be hired. A Covered Employee who is returning from a leave of absence or a non-Covered Employee who is seeking to transfer who Refuses to Submit a Specimen or who tests at 0.04 BAC or greater will not be allowed to resume or transfer to Covered Employment or continue other employment with the Employer, shall be immediately suspended without pay and subject to discipline consistent with any applicable law and the rules, policies, and procedures of the Employer.

A Covered Employee who is returning from a leave of absence or a non-Covered Employee who is seeking to transfer to Covered Employment who has BAC of 0.02 or greater but less than 0.04 will not have his or her request for return or transfer acted upon until that time that the Employee can provide at his or her expense an Alcohol test result of less than 0.02 BAC.

## 2. Random Testing

Each year a percentage of all Covered Employees Performing Safety Sensitive Functions will be randomly selected for Alcohol testing pursuant to the procedures set forth in this Policy. Initially this percentage will be 25%. The minimum annual percentage rate for random Alcohol testing will be established each year by the FHWA Administrator and published in the Federal Register. The Employer's annual testing rate will be identical with the rate set each year by the FHWA Administrator.

A computer program determines the random selection process. The program is run monthly and confidential lists are sent from the Employer's Drug and Alcohol Program Administrator to authorized personnel at the appropriate department. Once the Employee selected for the random Alcohol test receives notice of selection that Employee must proceed at once to the Collection Site and provide a breath sample.

Employees selected for Alcohol testing pursuant to this Policy's random selection provisions who refuse to submit a Specimen or who test at or over 0.04 BAC shall be immediately suspended without pay and subject

to discipline consistent with any applicable law, and the rules, policies and procedures of the Employer.

Employees whose test result is a BAC of 0.02 or greater but less than 0.04 will be placed on sick leave until that time that the Employee can provide at his or her own expense a test result of less than 0.02 BAC. If the Employee exhausts his or her accumulated sick leave without having produced an Alcohol test result whose BAC is less than 0.02, he or she may apply for administrative leave in order to under-go treatment and rehabilitation. If the Employee exhausts his or her accumulated sick leave without having produced an Alcohol test with a BAC of less than 0.02 and has not applied for administrative leave to under-go treatment and rehabilitation, the Employee will be subject to immediate dismissal.

### 3. Post-Accident Testing

A Covered Employee who Performs Safety Sensitive Functions who is involved in an Accident shall provide a Specimen for Alcohol testing pursuant to this Policy's procedures as soon as possible after the time of the Accident but in no event later than either hours after the time of the subject Accident.

If the Employee is hospitalized and unable to provide a Specimen as required by this section, the Employee or his or her legal representative shall provide all necessary authorization for the Employer to obtain medical record and reports, including hospital and laboratory records and reports, to determine whether there was Alcohol in his or her system at the time of the Accident.

Employees required to be tested pursuant to this section who Refuse to Submit a Specimen or whose test result is 0.04 BAC or greater will be immediately suspended without pay and subject to discipline consistent with any applicable law, and the rules, policies, and procedures of the Employer.

Employees whose test results are 0.02 BAC or greater but less than 0.04 will be placed on sick leave and will not be permitted to return to duty

until that time the Employee can provide at his or her own expense an Alcohol test whose result is a BAC of less than 0.02. If an Employee exhausts his or her accumulated sick leave without having produced an Alcohol test whose BAC is less than 0.02, the Employee may request administrative leave in order to under-go treatment and rehabilitation.

If the Employee exhausts his or her accumulated sick leave, has not produced an Alcohol test result whose BAC is less than 0.02 and has not applied for administrative leave in order to under-go treatment and rehabilitation, the Employee will be subject to immediate dismissal.

#### 4. Reasonable Suspicion or Reasonable Cause Testing

A Covered Employee shall be required to submit to the Alcohol testing procedures provided for in this Policy when there is a reasonable suspicion or reasonable cause to believe that the Covered Employee is using, or is under the influence of Alcohol. Reasonable suspicion or cause shall be based upon specific behavioral or performance indicators of probable Alcohol use.

Upon a determination by the appropriate supervisor, manager, or department head that a reasonable suspicion exists that a Covered Employee is using or under the influence of Alcohol, the Covered Employee shall be ordered to immediately submit a Specimen at a Collection Site specified by the Employer. If the Collection Site is off-site, the Employee will be transported and from the Collection Site. The Employee shall be placed on sick leave until the test result is received by the Employer. If it is a Test Negative, the sick leave will be restored to the Employee and the Employee will immediately return to Covered Employment.

If the Test is Positive or if the Employee Refuses to Submit a Specimen, the Employee will be immediately suspended without pay and subject to discipline consistent with any applicable law, and the rules, policies, and procedures of the Employer.

#### 5. Return to Duty Testing

Any Covered Employee returning to Covered Employment which involves Performing Safety Sensitive Functions after engaging in conduct prohibited by this Policy shall under-go Alcohol testing pursuant to the procedures set forth in this Policy prior to actually engaging in Covered Employment.

A Covered Employee required to be tested pursuant to this section whose test result is 0.04 BAC or greater or who Refuses to Submit a Specimen will be subject to immediate dismissal.

A Covered Employee required to be tested pursuant to this section whose test result is 0.02 BAC or greater will not be permitted to return to duty until he or she has taken another Alcohol test the result of which are less than 0.02 BAC. This additional test shall be paid for by the Covered Employee and shall be performed within 30 days of the first return to duty Alcohol test. If this test result is greater than 0.02 BAC, the Employee will be subject to immediate dismissal.

## 6. Post Rehabilitation Period Testing

Any Covered Employee who has Tested Positively to an Alcohol test and who is subsequently re-instated will be subject to Alcohol testing during any post rehabilitative period. No less than six tests will be administered in the first twelve months following the return to duty. More tests may be ordered by the Substance Abuse Professional for a period of time not to exceed 60 months from the return to duty.

A Covered Employee who fails to complete a rehabilitation program as required by the Substance Abuse Professional, Refuses to Submit a Specimen during the post rehabilitation period or who Tests Positively during the post rehabilitation period will be subject to immediate dismissal.

## 7. Biennial-Periodic Testing

A Covered Employee who Performs Safety Sensitive Functions shall be tested for misuse of Alcohol at least once every two years commencing from the start of Covered Employment or the effective date of the Omnibus Transportation Employee Testing Act of 194 in this municipality. This requirement shall not apply to a Covered Employee who has been tested for misuse of Alcohol under any other section of this Policy within the prior twenty-four months.

Employees whose test results is 0.04 BAC or greater or who refuse to submit a specimen will be immediately suspended without pay and subject to discipline consistent with any applicable law, and the rules, policies, and procedures of the Employer.

Employees whose test result is 0.02 BAC or greater but less than 0.04 will be placed on sick leave until that time that the Employee can produce an Alcohol test result with a BAC of less than 0.02. If the Employee exhausts his or her accumulated sick leave without having produced an Alcohol test result with a BAC of less than 0.02, the Employee may apply for administrative leave in order to under-go treatment and rehabilitation. If the Employee exhausts his or her accumulated sick leave without having produced an Alcohol test result with a BAC of less than 0.02 and without having applied for administrative leave in order to under-go treatment and rehabilitation, the Employee will be subject to immediate dismissal.

### **III. TESTING PROCEDURES**

All testing shall be conducted in conformance with the standards set forth in 49 CFR 40 which are incorporated hereby into this Policy.

Drug testing shall consist of urine testing and Alcohol testing shall consist of breath analysis. Urine Specimens shall be subjected to the Chain of Custody requirements contained in the DOT regulations in order to preserve the integrity of the testing procedure. Urine Specimens will be split with one portion retained for the purpose of a re-test.

Negative Drug Test results will be reported to Employees confidentially by the Employer. If an Employee has Positive Drug Test result, he or she

will be contacted by the Medical Review Officer (MRO). If the MRO is unable to contact the Employee, the MRO will contact the Employer and ask the Employer to contact the Employee and tell the Employee to call the MRO. The MRO will try to discuss the results of the Positive Drug Test with the Employee and ask if there are any factors that could have influenced the test results prior to confirming the result. If the MRO cannot contact the Employee, the MRO will report the Positive Drug Test to the Employer without having discussed the results first with the Employee.

Results of the EBT will be available to the Employee at the time of the testing.

All test dates and results, Positive or Negative, will be noted in the Employee's personnel file and will be kept confidential.

#### **IV. PENALTIES FOR MANUFACTURING, DISTRIBUTING, DISPENSING, USING OR POSSESSING ALCOHOL OR DRUGS WHILE ON TOWN PROPERTY.**

Employees, who manufacture, distribute, dispense, use or possess Alcohol or Drugs while on Town property will be suspended without pay and be subject to discipline consistent with any applicable law.

#### **IV. EMPLOYEE ASSISTANCE PROGRAM**

The municipality has established an Employee Assistance Program (EAP). This program is an evaluation and referral service which assists Employees in obtaining treatment for a wide range of problems including substance abuse.

There is no cost for this service to Employees and all services provided are kept confidential between the EAP provider and the Employee. All Employees may request assistance in dealing with Drug or Alcohol problems from the EAP provider. However, the testing provisions for

Covered Employees will not be stayed due to an Employee's participation in an EAP program.

The EAP provider will:

1. Educate and train Employees concerning the effects of Drug use and the misuse of Alcohol on the health, work, and personal life of Employees, and
2. Educate and train supervisory personnel in recognizing symptoms of Drug use and the misuse of Alcohol which give rise to reasonable suspicion or reasonable cause, and
3. Advise Employees about available methods of intervening when an Alcohol or Drug problem is suspected, including confrontation, referral to the EAP provider, and referral to management, and
4. Evaluate Employees who have failed a Drug or Alcohol test and who are referred by the Employer, and
5. Determine whether an Employee has satisfactorily completed a program of treatment and rehabilitation.

## **V. RECORD RETENTION AND ACCESS**

All records which relate to this Policy shall be kept in limited access files in accordance with the provisions of 49 CFR 382.401-382.413. Except as required by law or expressly authorized in 49 CFR 382.405, no records relating to this Policy will be released by the Employer.

Employees may make written requests to obtain copies of any records pertaining to their misuse of Alcohol or Drugs including test results. The records will be provided promptly.

Records relating to this Policy will be released to a subsequent employer upon receipt of a written request from the Employee. The Employee can also authorize the release of these records to an identified person by filing a written consent and request with the Employer.

## **VI. QUESTIONS ABOUT THIS POLICY**

Questions about this Policy, the DOT regulations, or the Omnibus Transportation Employee Testing Act of 1994 should be directed to the Town Administrator at 508-440-2855

## *ELECTRONIC COMMUNICATIONS POLICY*

### **Purpose:**

To clearly define the Town of Norfolk's policy regarding the standards for use of The Town of Norfolk's Electronic Communications Systems (email)

### **Policy:**

The Town of Norfolk is pleased to make e-mail access available to authorized employees. Created as a business tool to help the Town of Norfolk's employees serve town residents, communicate with suppliers, streamline internal communications, and reduce unnecessary paperwork, the e-mail system is intended for business purposes. Personal use of the Town of Norfolk's e-mail system is restricted to the terms outlined below. The e-mail system is the property of the Town of Norfolk. Employees accessing the Town of Norfolk's e-mail system are required to adhere to the following policy and procedures. Violation of the Town of Norfolk's e-mail policy may result in disciplinary action, up to and including termination.

1. All communications and information transmitted, received, or archived in the Town of Norfolk's computer system belong to the Town of Norfolk. The federal Electronic Communications Privacy Act (ECPA) gives management the right to access and disclose all employee e-mail messages transmitted or received via the organization's computer system. The Town of Norfolk intends to exercise its legal right to monitor employees' e-mail activity. When it comes to e-mail, employees should have no expectation of privacy. Be aware that the Town of Norfolk's management may access and monitor e-mail at any time for any reason without notice.
2. The e-mail system is reserved primarily for business use. Only under the following circumstances may employees use the Town of Norfolk's e-mail system for personal reasons:
  - a. Communication with children, spouses, and immediate family is permitted but must be limited that that cannot wait until the employee is not working.

3. The use of the Town of Norfolk's e-mail system to solicit for any purpose, campaign for a political candidate, espouse political views, promote a religious cause, conduct union business, send or respond to chain email, assess social networking sites or advertise the sale of merchandise is strictly prohibited without the prior approval of the Town Administrator.
4. E-mail passwords are the property of the Town of Norfolk. Only personnel authorized by the Town Administrator are permitted to use passwords to access another employee's e-mail without consent. Misuse of passwords, the sharing of passwords with non-employees, and/or the unauthorized use of another employee's password will result in disciplinary action, up to and including termination.
5. Privacy does not exist when using the Town of Norfolk's computer system including desktop computers, laptops, and handhelds.
6. Confidential or personal information never should be sent via e-mail without the understanding that it can be intercepted. This includes the transmission of the Town of Norfolk's intellectual property, resident or business financial information, Social Security numbers, employee health records, proprietary data and trade secrets, and/or other confidential material. When sending confidential material (or any messages for that matter), employees should use extreme caution to ensure the intended recipient's e-mail address is correct. All files should be password protected prior to transmission. All messages should be carefully guarded and protected, like any other written materials. You must also abide by copyright laws, ethics rules, and other applicable laws. Exercise caution when sending blind carbon copies to ensure you don't violate addressees' privacy by inadvertently sending carbon copies.
7. E-mail usage must conform to the Town of Norfolk's harassment and discrimination policies. Messages containing defamatory, obscene, menacing, threatening, offensive, harassing, or otherwise objectionable and/or inappropriate statements--and/or messages that disclose personal information without authorization--are prohibited. If you receive this type of prohibited, unsolicited message, do not forward it. Notify your supervisor and/or the Town

Administrator about the message. Delete the message as instructed by management.

8. Employees are prohibited from sending jokes via e-mail. Jokes, which often contain objectionable material, are easily misconstrued when communicated electronically.
9. Employees are prohibited from sending organization-wide e-mail messages to all employees without approval from the Town Administrator. In addition, employees are prohibited from requesting e-mail replies to organization-wide e-mail without the permission of the Town Administrator.
10. Employees may not waste the Town of Norfolk's computer resources or colleagues' time. Send e-mail messages and copies only to those with a legitimate need to read your message. Chain messages and executable graphics should be deleted, not forwarded, as they can overload the system.
11. Only the Town Administrator approves public e-mail distribution lists.
12. Employees are responsible for knowing and adhering to the Town of Norfolk's e-mail retention and deletion policies.
13. Misuse and/or abuse of the Town of Norfolk's electronic assets (wasting productive time online, copying or downloading copyrighted materials, visiting inappropriate sites, sending inappropriate/abusive e-mail messages, etc.) will result in disciplinary action, up to and including termination.

## Employee Acknowledgment

Note: If you have questions or concerns about the Town of Norfolk's Electronic Communications Policy, contact the Town Administrator.

## *USE OF INTERNET POLICY*

### **Purpose:**

To clearly define the Town of Norfolk's policy regarding the standards for use of The Town of Norfolk's Internet System

### **Policy:**

The Town of Norfolk supports the appropriate use of the Internet by its employees. Access to various categories/topics of information will not be tolerated. Employees should have no expectation of privacy for any Internet communications. The following are examples of Internet sites that employees are prohibited from accessing:

- Sites containing material related to the promotion of criminal activity
- Gambling sites
- Sites containing hate speech
- Material that may be construed as offensive or harassment
- Sites containing material of a sexual nature
- Twitter (except for official reasons), dating sites

Social media sites like Facebook are becoming a significant part of the communications processes used by individuals, businesses and municipal organizations. Facebook or similar sites should only be used for town or work purposes. Accessing personal pages is prohibited on town time or equipment. If you would like to start a social media site for a town department purpose you must contact the Town Administrator for approval.

Internet users should be very careful when subscribing to public mail or news groups. These forms can generate hundreds or thousands of messages a day which could jeopardize the Town of Norfolk's information systems

***HUMAN RESOURCE POLICY***  
***7/7/14***

Under the direction of the Town Administrator the Human Resource Director may issue, amend, or repeal administrative orders, procedural rules, and regulations for the purpose of implementing powers and duties vested in it by this except as limited by collective bargaining agreements.

The Human Resource Director shall monitor the administration of all aspects of personnel policies and shall make such recommendations to the Town Administrator as deemed necessary, proper and prudent, to maintain the integrity of the operation and policies.

The Human Resource Director shall review and investigate the work and standard rates of compensation of all positions under its jurisdiction, said reviews and investigations to cover all such positions annually. The Human Resource Director may make such other investigations of the conditions of employment of town employees, as it deems necessary and proper, and may investigate any complaint relative to such conditions, as may be filed by any department head, town employee or town board or committee member. All employees and elected officers shall comply with and assist in furnishing records, reports and other information requested by the Human Resource Director.

Requests by department heads, individuals or groups of individuals for changes in the classification of personnel, for changes in the compensation of personnel will be reviewed by the Human Resource Director for appropriateness and consistency. Final recommendations will be approved by the Town Administrator.

**Application**

All Town departments and positions shall be subject to the provisions of this policy except positions under the supervision of the School Committee, positions covered by a collective bargaining agreement, and positions which are filled by direct election unless otherwise noted. Nothing in this policy shall be construed to limit any rights of employees pursuant to

M.G.L. Chapter 150E. This policy is intended to be in accordance with all applicable state and federal laws.

All employees' employment with The Town of Norfolk is "at will." "At will" is defined as allowing either Employee or Employer to terminate their employment at any time, for any reason permitted by law, with or without cause and with or without notice except as may be limited by law or contract.

## **Definitions**

As used in this policy, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the Commonwealth of Massachusetts

Appointment - The placement of a person in a position in the service of the Town.

Classification Plan - The classification plan established by Section 6 of this Policy and by votes of the Town Meeting in relation thereto, under authority of M.G.L. Chapter 41, Section 108A and 108C, as amended.

Classify - To establish the compensation grade level of a specific position by a detailed job description of the job functions, skills, education and experience requirements.

Compensation Schedule - The compensation schedule established by this Policy and by votes of the Town Meeting in relation thereto, under authority of M.G.L. Chapter 41, section 108A and 108C, as amended.

Compensatory Time - Paid authorized absence from work during normally scheduled working hours administered to employees in lieu of payment for hours previously worked but unpaid.

Continuous Employment - Uninterrupted employment in one or more consecutive permanent full-time or permanent part-time positions in Town

service, from the first date of hire until the date of separation, subject to adjustment due to unpaid leaves of absence.

Employee – An appointee to the Town of Norfolk occupying a position in the classification plan and designated as one of the following:

Regular Full-Time – Work at least 35 hours per week throughout the year

Regular Part-Time – Work at least 20 hours per week, but less than 35 hours per week, throughout the year.

Part-time - Work less than 20 hours per week

Temporary - May work either Full-Time or Part-Time, but are employed for a limited time period.

Exempt Employee – An employee who is exempt from the overtime provisions of the Federal Fair Labor Standards Act and applicable State Laws.

Fair Labor Standards Act – The United States Act first adopted in 1938, enforced by the U. S. Department of Labor, that sets minimum wage, overtime pay, equal pay, recordkeeping, and child labor standards for employees who are covered by the Act and not exempt from specific provisions.

Job Title - The title of each position as listed in the classification plan shall be the official title of the position and shall be used to the exclusion of all others on payrolls, budgets, and other official records and reports pertaining to the position.

Longevity – The length of an employee’s continuous employment.

Pay Grade – The designated pay range for each position as listed on the Compensation Schedule.

Probationary Period – The first 90 days of employment is a probationary period.

Promotion - *The* advancement of an employee from a position of a lower classification grade into a position of a higher classification grade.

Re-classify - To review and establish the compensation grade level of a position previously classified, by updating the existing job description to include the functions, skills, education and experience requirements currently being performed.

Re-evaluate - To review and establish the compensation grade level of a position previously classified, by updating the existing job description to include *new* functions, skills, education and experience requirements not currently being performed.

### **Classification Plan**

The official Classification Plan, or list of positions in the service of the Town, shall consist of the titles listed in Schedule A.. Every job title is assigned to a particular grade, based on a description of the job's content, and a survey of pay levels for equivalent jobs in other Towns or in private sector. In particular, the job description identifies the duties and responsibilities of the position, the skills and abilities, the variety and complexity of the problems to be solved, the authority to make decisions, the working conditions and the importance of the work performed. The Human Resource Director will maintain the Salary Classification Plan for all positions under the jurisdiction of this policy, and have responsibility for the review and approval of new or revised job descriptions, and the assignment of each job title to a pay grade in the salary structure.

### **Compensation Plan**

The official Compensation Plan, as provided in Schedule B which is incorporated as a part hereof, shall consist of the pay grades showing the minimum and maximum hourly rates and/or salaries, with step rate increases therefore, to be paid to employees in positions allocated to the Classification Schedule. The Human Resource Director is responsible for conducting periodic surveys to determine whether a particular job is assigned to the correct pay grade, and/or whether an adjustment in the whole salary structure is appropriate. The Human Resource Director shall

furnish an annual recommendation for a wage adjustment based on information obtained from the U. S. Department of Labor, Bureau of Labor Statistics or other appropriate source. The Human Resource Director may consult with the Advisory Board before submitting a recommendation to the Board of Selectmen.

### **Amendments to Classification and Compensation Plans**

The Human Resource Director and Town Administrator shall recommend to the Town such amendments to the Classification and Compensation Plan as it may deem appropriate. The pay grades, when and as adjusted by vote of the Town Meeting or by special public meeting, shall be effective on the date so recommended by the Human Resource Director and Town Administrator and approved by the Town Meeting or at a special public meeting.

### **Pay Period**

Employees are paid by check on a weekly or bi-weekly basis, according to the payment plan for each specific department.

### **Annual Step Increases**

Each employee's performance shall be evaluated annually in accordance with the Performance Appraisal Program established by the Human Resource Director. If an employee's overall rating is "Meets Expectations" or better, the employee shall advance on his/her Salary Anniversary Date to the next appropriate step annually until he/she reaches the maximum step in grade.

Once an employee reaches the maximum step in the position's designated Pay Grade, the employee will subsequently receive the applicable rate in effect for such step on his/her salary anniversary date.

### **Call Fire Fighters Salaries**

Salaries for Call Fire Fighters shall be reviewed and set periodically by the Fire Chief and the Human Resource Director or Town Administrator based on market conditions and the Fire Department budget. Call Fire Fighters do not automatically receive cost of living raises or step increases.

## **Recruitment, Selection and Employment**

The Town of Norfolk is an equal opportunity employer and seeks to employ, promote, and retain the most qualified individuals. New or vacated positions to be filled must be posted "in-house" for a period of 10 business days. If the position is not filled in-house then candidates may be sourced by word of mouth or through advertising. In-house posting does not guarantee placement for an existing employee, but strives to ensure all employees are given the opportunity to apply.

The appointing authority will make the final decision in filling any position that is subject to the Personnel Policy.

A new employee must complete a job application, W-4 forms, Form I-9 (Employment Eligibility Verification), and any other forms deemed necessary. A copy of the completed job application is to be forwarded to the Human Resource Director.

All new employees are to be hired at Step 1. If the applicant is found to possess an experience level, education level or other job related certification that warrants a higher compensation level, the hiring supervisor may hire at Step 2 or Step 3 based on the following:

- New employees who possess an education level of 2 or more years above the minimum required for the job may be placed at step 2; and/or
- New employees who possess related experience in excess of the maximum required for the job may be placed at Step 2 (for 2 additional years of related experience) or Step 3 (for 4 or more additional years of related experience).
- Other exceptions may be made on rare occasions as recommended by the Human Resource Director and approved by the Town

Administrator.

The first ninety (90) calendar days of consecutive employment will be considered a probationary period. A performance evaluation should be conducted prior to the 90<sup>th</sup> consecutive day of employment. If the employee's performance is satisfactory, a regular appointment will be made. During the probationary period the grievance procedure may not be invoked by the employee.

### **Promotions**

The Town of Norfolk is an equal opportunity employer and seeks to promote and retain the most qualified individuals. Employees who are promoted shall be recognized with an appropriate salary increase. The increase will be determined in accordance with the following promotion formula adopted by the Human Resource Director.

The promotion formula establishes the minimum compensation for an employee who is promoted to a new position (or whose job has been re-evaluated to a higher grade). Such employees will be placed at step 2 of the new grade. If the employee's current compensation exceeds the new grade Step 2, then the employee will be placed at the next step just above the employees' current compensation level.

The effective date of the employee's promotion shall become an adjusted anniversary date for the purpose of computing future step increases. The Department Head shall review each position and respective employee on a case-by-case basis and may make recommendations for approving compensation above the promotion formula to the Human Resource Director.

### **Performance Appraisal Program**

This program is intended to accomplish a number of goals:

- a. Provide a basis for evaluating an employee's performance for

completion of probation; annual increase; promotion; and general performance.

- b. Provide a method of improving the effectiveness and the efficiency of the employees and the organization.
- c. Serve as a conduit for communications and feedback between employees and their supervisors outside of routine daily interactions.
- d. Provide a basis for formal personnel decision making.
- e. Serve as a basis for recognizing employee accomplishments, need for guidance, professional development, training and support.
- f. Provide a process of establishing performance goals and objectives.

Performance reviews shall be conducted annually and not later than March 1<sup>st</sup>. Employees' performance shall also be evaluated prior to the end of any probationary period, and may be evaluated at any other time at the discretion of the supervisor. An employee may request a performance review at any time.

The Human Resource Director shall designate performance appraisal forms to be used by all personnel. Upon completion of the review, the forms shall be signed by the immediate supervisor, the employee, and the second evaluator. A copy of the completed form will be given to the employee and the department head for filing, the Human Resource Director receives the original form for their files.

### **Employee Benefits**

The following benefits apply to Regular Full-Time and Regular Part-Time employees. Employees, who work less than 20 hours per week, or work on a temporary basis regardless of the number of hours, do not receive benefits with the exception of longevity.

**All benefits are pro-rated based on the number of hours worked per week in relation to the established work week for the department.**

### **Sick Leave/Short Term Disability**

Sick leave is earned at the rate of 25% of the employees' scheduled weekly hours for each month of service, credit to begin the last working day of the month in which employed. Each employee must work at least seventy-five percent of their normal work schedule each month in order to receive sick leave. Employees may accrue sick leave up to a maximum of 150 days. Sick Leave is considered insurance for the benefit of the employees should a long term illness arise. In no event will unused sick leave be compensated for, monetarily or otherwise. Sick leave is the absence from work without loss of pay for the following reasons, subject to the approval of the supervisor.

- A bona fide personal and non-service connected illness or injury for which no compensation is received under workman's compensation or MGL C41, S111f or other insurance coverage paid for by the Town.
- Caring for a spouse, child, parent, sibling, grandparent or grandchild of either the employee or their spouse, or a person for whom the employee is a legal guardian, who is seriously ill.
- Exposure to contagious disease that may jeopardize the health of others.
- Medical and Dental appointments that cannot be reasonably scheduled outside of working hours.

Immediate notice of any absence must be given to department heads or immediate supervisor. Failure to do so may result in loss of pay.

An employee who is incapacitated, by reason of injuries in the course of and arising out of employment by the Town, may elect to receive, from accumulated sick leave, the difference between his/her normal work week compensation and the weekly benefits of the Workmen's Compensation Act. Beginning the first day of incapacity the employee may be paid his/her normal week of compensation from his/her accumulated sick leave until Workmen's Compensation is approved and received. When it is received, deductions will be made from the employee's subsequent paycheck(s) for the difference paid and the appropriate amount of sick time shall be credited back to the employee's accumulated sick leave.

Injury, illness or disability self-imposed, or resulting from the abuse of chemical substances should not be considered a proper claim for a leave under this section.

A doctor's certificate may be required for an absence of three (3) consecutive work days or longer or may be required at any time at the discretion of the Town; the Town may designate a physician to conduct physical examinations at the Town's expense.

Generally the use of 6 or more sick day per calendar year is considered excessive. In the event of apparent abuse of any regulation pertaining to sick leave, the Town through its Human Resource Director or other responsible Board/Commission may disallow sick leave and may take disciplinary action against the employee up to and including termination.

## **Vacation Leave**

### Vacation Leave

The established vacation year is the fiscal year, July 1 through June 30. Employees with less than one (1) year of service shall receive one half day vacation for each month of employment not to exceed five (5) days vacation for the first twelve (12) months. Vacation time is calculated beginning their first day of work but is not credited until after 90 days. Employees are not allowed to use time accrued until the probationary period of ninety (90) days have passed unless otherwise approved by the Town Administrator. Vacation time is earned based on the employee's length of service and is credited monthly for the first ten months of the fiscal year up to the maximum vacation eligibility for three years of service.

### Service Period

First Fiscal Year

Fiscal years 2 through 4

Fiscal years 5 through 9

Fiscal years 10 through 19

Fiscal years 20 and over

### Paid Vacation

1/2 day per month worked\*

1 day per month worked\* ( 2 weeks)

1.5 days per month worked\* (3 weeks)

2.0 days per month worked\* (4 weeks)

2.5 days per month worked\* (5 weeks)

\*Based on a 5 day work week. Other schedules will be calculated based on the number of days worked per week.

This vacation policy is effective 7/1/2013.

Employees that are retirement eligible will be given their full unused vacation allotment upon termination. Other exceptions to this policy may be made by the Human Resource Director or the Town Administrator.

If a paid holiday should fall during vacation leave, an additional day of vacation shall be taken by mutual consent between the employee and the department head.

Vacation leave shall be utilized no later than June 30<sup>th</sup> in the fiscal year in which it is granted and shall not be accumulated. Under unusual circumstances the immediate supervisor may grant to an employee a carryover of up to 1 week of vacation time from one fiscal year to the next fiscal year. Each time a carryover is granted the Human Resource Director shall be notified in writing. Carryover of vacation time in excess of 1 week must be approved by the Human Resource Director.

If an employee has expended all earned sick days, but has a medical reason to extend his/her absence, the Town of Norfolk's policy is to assist the employee and retain benefits as required by The Family Medical Leave Act. If the person is eligible to receive vacation benefits, such leave may be deducted proportionally from the amount of vacation leave earned and due for the year in which the absence occurred. If the employee has already used all earned vacation benefits during a fiscal year, the absence may then be chargeable against the next succeeding vacation leave allowance for a maximum of not more than thirty (30) days.

Upon approval of the department head and the Human Resource Director, an applicant may be granted early vacation entitlement.

Hiring Supervisors may start new hires with paid vacation benefits based on years of service from other job related experience with other industries and/or municipalities as if the new hire had Norfolk years of service, with written approval from the Human Resource Director or the Town Administrator.

Upon separation from employment for any reasons, cash payment for accrued vacation shall be made in accordance with State/Federal requirements.

Under no circumstances will an individual be compensated for more than one pay category for the same period of time.

### **Paid Holidays**

Town offices are closed on the following holidays.

New Year's Day	Martin Luther King Day
President's Day	Patriot's Day
Memorial Day	Independence Day
Labor Day	Columbus Day
Veteran's Day	Thanksgiving Day
Christmas Day	
Close at 1:00 pm Christmas Eve*	
Close at 1:00 pm New Year's Eve*	

\* Provided that such a day is normally scheduled workday.

Employees shall receive the holiday off with pay when said holiday falls on his/her regular workday. Except for the early closings on Christmas Eve and New Year's Eve if any of the above holidays should fall on an employee's normal day off, or during a vacation period, an alternate day off shall be given, subject to the approval of the department head. Holidays must be taken and no compensation will be allowed for failure to do so.

Employees required to work on a scheduled Holiday due to an emergency will be given another day off with pay. Public Safety Communications

Specialists required to work on a scheduled holiday will be given another day off with pay or receive their holiday pay in addition to their regular pay.

### **Personal Days**

Three (3) personal days per fiscal year may be taken for such purposes as personal business, medical appointments, and family obligations pursuant to Massachusetts General Laws Chapter 149, Section 52D. A minimum notice of forty-eight (48) hours should be given to, and approval must be received from, the supervisor prior to taking a Personal Day. Personal Days not utilized by June 30<sup>th</sup> of the fiscal year in which it was granted will be forfeited.

### **Funeral or Bereavement Leave**

For death or memorial services in the immediate family of a permanent employee or of his/her spouse, 1 work week with pay shall be granted. Cases involving special circumstances including travel for extensive periods of time must be approved by the Department Head. Definitions of immediate family include: mother, father, mother-in-law, father-in-law, sister, brother, wife, husband, son, daughter, grandparents, grandchildren, brother-in-law and sister-in-law of the employee, son-in-law, and daughter-in-law. For the deaths of relatives other than immediate family, an absence of up to one full day with pay shall be allowed to attend funeral or memorial services.

### **Family and Medical Leave Act**

The Family and Medical Leave Act (FMLA) of 1993 provides an entitlement of up to twelve (12) weeks of job-protected, unpaid leave during any 12-months for the following reasons:

- 1) The birth of a child
- 2) The placement of an adopted or foster child
- 3) To care for a child, spouse, or parent with a serious health condition
- 4) For the employee's own serious health condition

If the employee has accumulated sick leave, vacation leave or other personal leave, the employee may use such paid leave to offset a portion of this unpaid leave.

The FMLA also requires the employer provide health coverage under any "group health plan" for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. After completion of the leave, the employee must be restored to the same or equivalent position.

### **Personal Leave of Absence**

Leaves of absence for personal reasons not covered under any other section of this Policy, if approved by the immediate supervisor and the Human Resource Director will be unpaid. The employee must utilize vacation time earned first. Such absences, however, may not be charged to vacation leave beyond that which the employee has earned at the time of such application. A leave of absence under this section shall be without compensation (unless the employee has the required time available) and shall be for a maximum of thirty (30) days. After the thirty (30) day period, employees will be required to obtain the written approval of the Department Head and the Human Resource Director if an extension is requested. In the absence of written approval beyond the thirty (30) day period, the Department Head may consider the position vacant and begin the hiring process.

### **Jury Duty**

An employee called for jury duty shall be paid the difference between regular pay and the compensation received as a juror, exclusive of travel allowances. Employees summoned as a witness on behalf of the Town shall be granted leave and paid the difference of their regular pay and the witness fee, exclusive of travel allowance.

### **Military Leave**

Military leave shall be granted to employees in accordance with the requirements of State and Federal Law.

### **Broken Service**

A rehired employee will be eligible to receive an adjusted date of hire after returning to work within thirty-six (36) months of the date of separation. The employee will be credited with the same number of years or months as the original length of service. This adjusted date of hire will be used for Employee Benefit calculations regarding vacation leave and longevity.

### **Call Back Pay**

Any Town employee called back to their position by management for the specific purpose of emergency service to the Town shall receive a minimum of three hours compensation.

### **Work at Home**

Employees will perform their work at their designated Town Work Site. If an employee cannot perform his/her duties at their designated Town Work Site due to extraordinary circumstances, written authorization is required in advance by the employee's supervisor and the Human Resource Director. Once approved, at-home work must be separately noted on an employee's time sheet, including days and hours worked. A copy of the authorization will be on file in the Finance Department and a copy forwarded to the Human Resource Director immediately.

### **Compensatory Time**

Compensatory time is paid time off from work in exchange for unpaid time previously worked in excess of an employee's regular scheduled work hours.

Exempt Employees are not entitled to compensatory time and will not receive additional payment, or time off for excess work hours under any circumstances.

At times it may be deemed advisable for a non-exempt employee to work beyond the regular scheduled number of hours and be granted compensatory time in lieu of compensation. Such compensatory time will be granted in lieu of compensation at the discretion of the employee. The immediate supervisor must approve, in advance, in writing, requests for accrual of compensatory time. Use of compensatory time must be approved by the immediate supervisor in advance.

Non-exempt employees may accrue compensatory time up to an amount equal to their regular week's scheduled work hours. No employee shall lose any accrued compensatory time.

Compensatory time will accrue at straight time for eligible hours which otherwise would be compensated at straight time, and will accrue at a rate of 1.5 for eligible hours which otherwise would be compensated at that rate.

### **Longevity Program**

ELIGIBILITY - Paid annually in July; employees having completed thirty-six (36) months or more of service on June 30 of the previous fiscal year will be qualified to receive a longevity payment provided the employee was employed by the Town on June 30<sup>th</sup> of the previous fiscal year. The lump sum payment is based on the number of hours worked in the previous fiscal year, up to Two Thousand Eighty (2080) hours per year (for a 52-week year), according to the schedule below. Should an employee retire or die during the previous year, that employee or his/her estate will receive a pro-rated portion of longevity pay based on the number of hours worked for that fiscal year. Said funds are to be distributed by the Finance Department with approval of the Town Administrator and Human Resource Director.

Months of Service Completed as of June 30 <sup>th</sup>	Per Hour Rate
0 - 35	0
36 - 59	.10
60 - 83	.20

84 - 107	.30
108 - 131	.40
132 - 143	.50
144 - 155	.60
156 - 167	.70
168 - over	.80

## **Insurance**

**LIFE INSURANCE** in the amount of \$10,000.00 will be available to all qualified employees. Retirees of the Town will be eligible to receive \$5,000.00 in life insurance. The Town will contribute a portion of the premium each year as specified by the Board of Selectmen and submitted to the voters of the Town of Norfolk annually via the Omnibus Budget.

**HEALTH INSURANCE** is provided by the Town with the Town contributing a portion of the premium of said health insurance. Increases in the Town's share of the premium payment are approved by the Board of Selectmen and submitted to the voters of the Town of Norfolk annually via the Omnibus Budget.

## **Retirement**

Qualifying employees must participate in the Norfolk County Retirement System.

All other employees must be covered by the State mandated 457 (OBRA) Plan.

## **Issue Resolution Process**

Employees covered by the Town Personnel Policy have recourse if they feel that their rights or conditions of employment have been violated. The employee must first discuss the matter with their supervisor. If this does not result in a satisfactory solution, the employee should state their case in writing to their supervisor's supervisor with a copy to the Human Resource Director; the supervisor has seven days to provide a written reply. Employees still dissatisfied have seven days to submit a written

statement to the Human Resource Director. The Human Resource Director will hold a hearing on the matter within fourteen days of receipt of the grievance and render a final decision within fourteen days of the hearing.

### **Disciplinary Action**

If it is determined that inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such action may range from training to termination from employment, and may include such other forms of disciplinary action as deemed appropriate under the circumstances. All disciplinary action that results in an employee's termination of employment must be reviewed by the Human Resource Director or Town Administrator prior to notifying the employee. If the manager feels that they must remove the employee from the work site immediately and the Human Resource Director or Town Administrator are not available, the manager may send the employee home with pay until the termination is reviewed. An employee involuntarily terminated or laid off from their position must be paid in full on the day of discharge.

### **Resignations**

Employees shall provide notice of their intent to resign in writing to his/her supervisor at least two (2) weeks in advance of his/her resignation date.

### **Responsibilities when Separating from Employment**

Upon an employee's separation from employment, at the time of leaving, it is the employee's responsibility to return all Town property, such as equipment used on the job, keys, uniforms, etc. If not returned, the employee will be expected to reimburse the Town for such property. The final paycheck may be picked up at the Town Treasurer's office after checkout is completed, or arrangements may be made for mailing.

Employees who are separated from employment will receive all accrued and unpaid salary and vacation pay in accordance with the Fair Labor

Standards Act. An employee that resigns his or her employment must be paid in full on the following pay day, or in the absence of a regular pay day no later than the following Saturday. An employee involuntarily terminated or laid off from their position must be paid in full on the day of discharge.

## **Calendar**

Anytime	Requests for Classification of New Positions
March	Performance Appraisals completed and original sent to the Human Resource Director no later than March 1 <sup>st</sup> .
April	Public Hearing by Human Resource Director for all changes proposed on the Annual Town Meeting Warrant.
April	Response to Performance Appraisals (when appropriate)
July	Longevity paid
September	Public Hearing by Human Resource Director for all changes proposed on the Fall Town Meeting Warrant.
December/June	Requests for re-classification and/or re-evaluation of positions, approved by the Department Head and the Town Administrator, must be received at least four (4) months prior to a Town Meeting.

## **Benefits Specific to Public Safety Communications Specialists**

Public Safety Communications Specialists receive the following benefits:

Emergency Medical Dispatcher (EMD) Stipend - \$500 annually for full time employees, \$250 for part time employees.

Meals Allowance - \$5.00 per shift

Clothing allowance reimbursement up to \$500 annually

Clothing cleaning allowance added to their pay \$450 annually

Shift differential/per shift

7am-3pm Monday through Friday - no differential

7am-3pm Saturday/Sunday - \$4.00

3pm-11pm Monday through Thursday - \$4.00

3pm-11pm Friday-Sunday - \$5.00

11pm-7am Monday-Friday - \$5.00

11pm-7am Saturday-Sunday - \$6.00

Schedule A  
Classification Schedule

Grade 1	Library Page
Grade 2	Clerk (Fire Dept., ConComm, ZBA, Planning Board, CPC) Records Assistant (Town Clerk's Office) Payroll Clerk
Grade 3	Library Associate (Public or School) Custodian
Grade 4	Department Assistant (Recreation)
Grade 5	Department Assistant (Advisory, Municipal Affordable Housing, etc.)  Animal Inspector
Grade 6	Public Safety Communications Specialist Outreach Worker Veterans' Agent (stipend)
Grade 7	Assistant Wiring Inspector Gas Inspector/ Assistant Plumbing Inspector(stipend) Plumbing Inspector/ Assistant Gas Inspector(stipend) Wiring Inspector Senior Public Safety Communications Specialist Public Safety Communications Supervisor Affordable Housing Coordinator
Grade 8	Assistant Town Accountant Executive Assistant (Town Administrator) I Assistant Town Treasurer/Collector II Assistant Town Clerk Assistant Town Treasurer/Collector I
Grade 9	Executive Assistant (Town Administrator) II

Associate Director of Libraries  
Town Treasurer/Collector  
Council on Aging Executive Director  
Information Technology Coordinator  
Recreation Director  
Chief Assessor  
Fire Lieutenant  
DPW Superintendent

Grade 10 Deputy Fire Chief  
Human Resource Director  
Public Works Director

Grade 11 Director of Municipal Finance  
Director of Libraries

Grade 12 Fire Chief  
Building Commissioner

Grade 13 Town Administrator

## EMPLOYMENT OF CLOSE RELATIVES POLICY

### **Purpose:**

To clearly define the Town of Norfolk's policy regarding the standards for close relatives working for the Town in the same or different departments.

### **Policy:**

The Town of Norfolk permits the employment of qualified relatives of employees as long as such employment does not, in the opinion of the Town Administrator or the Board of Selectmen, create actual conflicts of interest. For purposes of this policy, "immediate family" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, "step" relation or any member of the employee's household. The Town managers will use sound judgment in the placement of related employees in accordance with the following guidelines:

- While generally discouraged, individuals who are related by blood, marriage, or reside in the same household are permitted to work in the same Town department, provided no direct or in-direct reporting or supervisor to subordinate relationship exists. That is, no employee is permitted to work within "the chain of command" when one relative's work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment could be influenced by the other relative.
- Related employees may have no influence over the wages, hours, benefits, career progress and other terms and conditions of the other related staff members.
- Employees who marry while employed, or become part of the same household are treated in accordance with these guidelines. That is, if in the opinion of the Town Administrator or the Board of Selectmen, a conflict arises as a result of the relationship, one of the employees may be transferred at the earliest practicable time.

- Any exceptions to this policy must be recommended by the Town Administrator and approved by the Board of Selectmen.

# **SEXUAL HARASSMENT POLICY OF THE TOWN OF NORFOLK**

## **I. Introduction**

It is the goal of The Town of Norfolk is 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 The Town of Norfolk 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.

## **II. Definition Of Sexual Harassment**

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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

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

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

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

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.

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.

### **III. 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 Scott Bragdon at 508 440 2826 who is the appropriate individual to whom complaints should be addressed. Such individuals may include human resources director, manager, legal counsel to organization or other appropriate supervisory person. This person is also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### **IV. 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.

### **V. 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.

## **VI. 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).

## *EVENT SIGNAGE*

The Board of Selectmen delegates their granting authority for temporary signs to the Town Administrator. This authority is limited to signs to be located at the following locations on the ground:

- Main Street at the intersection of Hanover Street
- Main Street at the intersection of Boardman Street
- Main Street at the island in front of the Cemetery
- Boardman Street at the intersection of Medway Branch
- Union Street at the intersection of King Street
- North Street at the intersection of Pond Street and Needham Street
- Main Street at the intersection of Independence Drive
- Liberty Lane at the intersection of Independence Drive
- Pond Street Recreational Facility
- In front of Town Hall

There shall be no free standing signs allowed at the intersection of Main and Rockwood Rds. Signs must be hand held and not propped up. Individuals with signs should not stop automobiles in the intersection or otherwise cause traffic to be slowed.

There are no overhead banners allowed.

## *FLAG POLICY*

The Town has had a policy of lowering the flag to half-staff due to the occasion of death of certain individuals. To clarify the reasons for lowering the flag to half-staff, the following policy is hereby adopted by the Board of Selectmen.

For purposes of this policy, the Town will be considered to have eight (8) categories of flag locations: the Town Hill, the Town Hall, the Public Safety Building, the Elementary Schools, the Department of Public Works, Town Cemeteries, Pond Street Recreational Facility and the Senior Center.

1. All orders from the President and/or Governor to lower the flag at Federal or State buildings to half-staff, and Memorial Day as prescribed by law. Flags at all locations will be flown at half-staff.
2. State law mandates that the POW/MIA flag be flown on Patriots Day, Memorial Day, Flag Day, Independence Day, POW/MIA Recognition day (third Friday in September), and Veterans Day.
3. Death of a current or former elected Town Official or current Town employee- all locations for one week (7 days) starting at the day of death.
4. Death of a Town Veteran, appointed Board/Committee member (current or former), appointed Town Official (current or former), retired Town employee- all locations the day of the funeral.
5. For death of a Massachusetts Police Officer or Firefighter in the line of duty, all locations on the day of the funeral or memorial service.
6. At the discretion of the Board of Selectmen, the Town Administrator and DPW Director will be responsible for implementing this policy.

***HEALTH INSURANCE ELIGIBILITY POLICY FOR PAID ELECTED OFFICIALS***

**Rationale:**

This policy is adopted to clarify the eligibility of paid elected officials for health insurance budgets.

**Policy:**

Elected officials are not eligible to receive health insurance benefits under the Town's group plan unless they work a minimum of twenty (20) hours per week on a regular basis.

## *PURCHASE OR CONSUMPTION OF ALCOHOL BY MINORS*

The Norfolk Board of Selectmen has adopted a Zero Tolerance Policy toward the purchase and/or consumption of alcoholic beverages by persons under age 21. The sale of alcoholic beverages in the Town of Norfolk to any person under age 21 will be reported to the Town or Norfolk Licensing Authority by the Norfolk Police Department. All reported violations will result in a hearing with the Board of Selectmen.

The penalties will be as follows:

First offense: \$1,000 fine to be paid to Norfolk DARE. Proof that the donation was made to the Norfolk DARE Program or other local charity as selected by the Board of Selectmen, must be delivered to the Town Administrator within seven (7) days of payment to the charity. Once this proof is received and approved, the penalty will be deemed satisfied.

Second offence: \$2,000 fine to be paid to Norfolk DARE. Proof that the donation was made to the Norfolk DARE Program or other local charity as selected by the Board of Selectmen, must be delivered to the Town Administrator within seven (7) days of payment to the charity. Once this proof is received and approved, the penalty will be deemed satisfied.

Third offense: A minimum of a \$4,000 fine to be paid to Norfolk DARE plus a one (1) week suspension of the license. Proof that the donation was made to the Norfolk DARE Program or other local charity as selected by the Board of Selectmen, must be delivered to the Town Administrator within seven (7) days of payment to the charity. Once this proof is received and approved, the penalty will be deemed satisfied.

The Norfolk Police Department has adopted a Zero Tolerance Policy and will adhere to the above policy adopted by the Board of Selectmen when conducting their Alcoholic Beverage Compliance Checks within the Town of Norfolk.

## *NO SMOKING POLICY*

Smoking is prohibited in all areas of all Town Facilities and in all Town vehicles. The Board appreciates the continued efforts of all employees in complying with this directive and state law that prohibits smoking in public buildings.

Employees that smoke outside the Town's facilities are asked to stand away from public entrances so as to not block the egress or make those passing through uncomfortable.

## *QUARTERLY FINANCIAL REPORTS*

### **Rationale:**

This policy is adopted to provide the Board of Selectmen with current information relative to Norfolk's financial condition.

### **Policy:**

The Director of Finance or their assignee will report to the Town Administrator on a quarterly basis on the Town's financial condition. The report shall address an accounting of all revenues and expenses for the periods ending in September, December, March, and June.

The reports shall include a detailed summary of all revenue sources including real estate, personal and motor vehicle excise taxes, local receipts and state aid for the current quarter, year to date and prior fiscal year. In general, the revenue sources will be listed in a manner consistent with the tax rate recapulation sheet. The Director of Finance or their assignee will also highlight significant deviations in revenues and expenses that may affect the Town's financial position.

A summary of Norfolk's cash flow position, investment portfolio, debt management plan, and changes in real estate valuation and growth rate will also be presented.

It is the responsibility of the Town Administrator to fully inform the Board of Selectmen of Norfolk's financial position at least quarterly.

## *POLICY ON RESERVE FUND TRANSFERS*

**Rationale:** The intent of this policy is to ensure departments, boards, and committees follow established procedures for submission of reserve fund transfers.

**Policy:** Department heads, boards, and committees appointed by either the Board of Selectmen, Town Administrator, or Finance Director shall submit all reserve fund transfer requests to the appointing authority. Approval of the appointing authority and Board of Selectmen shall be required in advance of submitting a reserve fund transfer to the Advisory Board.

## *SEVERE WEATHER POLICY*

This is a reminder of the office closing procedure in the event of a snowstorm, or severe weather conditions:

1. Town Hall will be open to the public, and employees shall report for work. In the event that local conditions in Norfolk require that Town Hall be closed, you will be notified by telephone at approximately 7:00 a.m. concerning the opening of Town Hall.
2. The Town Administrator, or his designee, may close Town Hall during work hours, if severe conditions exist.
3. If offices are closed as noted above (1-2), no loss of pay will result. However, if an employee voluntarily elects not to report for work, then vacation, personal, or compensatory time must be used. Non-pay status may also be used in lieu of accrued time off.

## *STREET, PARK, AND TOWN FACILITY NAMING POLICY*

### **Rationale:**

The purpose of this policy is to assure streets, parks and town facilities are named in a way that is consistent, appropriate, and supports public safety.

### **Policy:**

The naming of new streets is, statutorily (pursuant to M.G.K. Chapter 85), the sole responsibility of the Board of Selectmen. The Selectmen will review any new subdivision at the time of a preliminary plan submittal to the Planning Board. The developer or the Planning Board may submit street, facility or park names for consideration. The Board of Selectmen may consider the names submitted or assign another name. The assignment of a street name will be made by the Selectmen, and notification will be made, in writing, to the Planning Board and the specific developer/owner.

The Board of Selectmen will select street, park and facility names in accordance with the following criteria:

1. The name may honor the Town of Norfolk's rich history.
2. A name may be selected of an individual of local historical significance, place or event.
3. The name may be in honor of a local Norfolk veteran who has served in defense of our country.
4. The name may honor an individual who has demonstrated excellence, courage or exceptional service to the citizens of the Town of Norfolk.
5. The name may be in honor of a national historic figure or event.

While a name using the criteria above is preferred, the Board of Selectmen may ultimately select any name that supports the public safety and purpose.

## ***POLICY FOR SUBMISSION OF WARRANT ARTICLES TO SELECTMEN BY DEPARTMENTS AND COMMITTEES***

### **Rationale:**

The purpose of this policy is to ensure the submission of warrant articles by town departments and multiple member bodies are both accurate and timely. This policy applies to departments, boards and committees under the aegis of the Board of Selectmen.

### **Policy:**

Department heads and multiple member bodies shall submit warrant articles, electronically, by a deadline established by the Board of Selectmen prior to any regularly scheduled or special town meeting.. For multiple member bodies, article requests must be approved by a majority of its membership, as authorized by a board or committee vote.

The article, as submitted, should be in the proper legal format. The proponent may contact Town Counsel with any questions before submitting an article request; however in order to control costs, prior approval of the Town Administrator must be obtained.

A cost estimate and summary in support of the proposed warrant article should also be provided. All article requests will be reviewed by the Selectmen, Town Administrator, and Town Counsel (as needed) for completeness. Articles may be revised in certain instances for content and legal form. The Selectmen may seek additional information from the respective department head or multiple member body before placing the article on the warrant. In general, the Board will arrange a meeting with the article proponent before approving the warrant. This requirement may be waived if the intent of the article is obvious. The Board of Selectmen will decide which warrants submitted by departments, boards and committees will be brought to Town Meeting

The Selectmen may, under special circumstances, accept warrant articles after the close of the warrant. Any request submitted after the close of the warrant will be accepted only upon an affirmative vote of the majority of the Selectmen.

## ***TOWN HALL FACILITIES POLICY***

The purpose of this policy is to define the usage of all common areas in the Town Hall, including, but not limited to, meeting, conference, and multi-purpose rooms.

The Town Administrator shall be responsible for maintaining a master user list of all areas covered under his policy which will be placed on the intranet. Town departments, boards, committees, and commissions may reserve space by entering the meeting location and time on the intranet schedule. Non-municipal entities may reserve space by contacting the Town Administrator's Office. Requests for space should be made as far in advance as possible to avoid possible conflicts.

In the event of a conflict, the following priority order will govern:

- A. First priority will be town agencies in conducting *public meetings*.
- B. Second priority will be town departments conducting *municipal functions or programs* in space adjacent to, or part of, their offices.
- C. Third priority will be town departments conducting *municipal functions or programs* not proximate to their offices.
- D. Fourth priority will be other governmental agencies and organizations affiliated with the Town of Norfolk.
- E. Fifth priority will be *non-municipal entities* and other users not specifically defined herein.

Except for emergencies, meetings should not take place in Town Hall during Town Meeting.

## ***PURCHASE OR CONSUMPTION OF ALCOHOL BY MINORS***

The Norfolk Board of Selectmen has adopted a Zero Tolerance Policy toward the purchase and/or consumption of alcoholic beverages by persons under age 21. The sale of alcoholic beverages in the Town of Norfolk to any person under age 21 will be reported to the Town or Norfolk Licensing Authority by the Norfolk Police Department. All reported violations will result in a hearing with the Board of Selectmen.

The penalties will be as follows:

First offense: \$1,000 fine to be paid to Norfolk DARE.

Second offence: \$2,000 fine to be paid to Norfolk DARE.

Third offense: \$4,000 fine to be paid to Norfolk DARE plus a minimum of a one (1) week suspension of the license.

The Norfolk Police Department has adopted a Zero Tolerance Policy and will adhere to the above policy adopted by the Board of Selectmen when conducting their Alcoholic Beverage Compliance Checks within the Town of Norfolk.

## ***GAMBLING***

Gambling is not permitted on town property during work hours, during breaks, during lunch periods on town property, while traveling on town business, at town functions, or while entertaining clients.

The use of town vehicles for the purpose of gambling or obtaining gambling materials is prohibited.

Town facilities may not be used to gamble. Gambling paraphernalia is not permitted on town facilities or in town vehicles. Gambling includes, but is not limited to, poker, horse betting, fantasy football bets, Keno, scratch cards, etc.

Any drawings, contests, or similar advertising promotions are to be approved by the Human Resources Director to ensure the promotion is not an illegal lottery and is held in a manner consistent with State Law.

Employees desks, lockers, vehicles, internet usage, email may be inspected to ensure compliance with this policy. Employees are expected to cooperate with any investigation and employees who violate this policy are subject to discipline, up to and including termination.

## *MEDIA RELATIONS POLICY*

In order to best serve the residents of Norfolk and to provide its employees with the best tools possible, the Town of Norfolk has implemented the following policy.

It is important that all inquiries from the media be handled in the following manner:

- All media inquiries should be referred to the Town Administrator, the Chief of Police or the Fire Chief as is deemed appropriate depending on the nature of the inquiry.
- If the Chief of Police or Fire Chief is not available, the inquiry should be referred to the Town Administrator.
- If the Town Administrator is not available, the inquiry should be referred to the Chairperson of the Board of Selectmen.

This policy refers to all forms of communication including “off the record” or anonymous statements.

***POLITICAL SOLICITATION ACTIVITIES  
TRANSFER STATION FACILITY  
POLICY***

**PURPOSE:**

The purpose of this policy is to ensure political solicitation activities at the Transfer Station are conducted in an orderly manner without interference with the public or facility operations. This policy is also intended to ensure the safety of persons conducting solicitations.

- Requests to solicit at the Transfer Station for the purpose of handing out fliers to residents, and/or campaigning for any political election must be received by the Board of Selectmen's Office no later than 4:00 p.m. on Thursday. Requests made after Thursday will not be permitted to campaign at the Transfer Station that subsequent weekend. Individuals or groups not requesting permission, or not receiving permission, will be asked to leave the Transfer Station facility/property by the Transfer Station operators.
- Solicitations must be conducted so as not to obstruct the flow of vehicle traffic within the Transfer Station. Additionally, political information, including signs and vehicles, shall be located in a manner to allow a free flow of traffic throughout the Transfer Station. The Highway Superintendent, or his designee, may designate an area within the Transfer Station to which all solicitations must be limited. Under no circumstances will solicitations be permitted in:
  - entrance to Transfer Station;
  - vehicle "back-up" zone to compactor units;
  - exit to Transfer Station.
- Children under the age of 14 assisting with the campaign *must* be supervised by an adult at all times. Failure to provide adequate supervision, as determined by the Transfer Station operators, will be grounds for suspension of activities. A maximum of four (4) people total - two (2) adults (21 years of age or older), and two (2) children will be allowed. The number of children shall not exceed the number of adults. No children under the age of 7 may participate. The

Board of Selectmen may limit the number of organizations and groups conducting solicitations at one time.

- The Board of Selectmen may establish special conditions, deemed in the Town's best interest, as part of any approval issued.

## **TOWN HILL USAGE POLICY**

The Town, through the Board of Selectmen, will issue permits for the usage of Town Hill. Permits may be granted to anyone as long as the following conditions are met:

1. Does not conflict with any Town sponsored event.
2. Conditions of the Hill and Bandstand are conducive to the event contemplated.
3. Applicant has not forfeited their privilege to use the facility due to past failure to comply with regulations (See regulations below).

### **PRIORITY**

Permits will be granted in the following order of priority:

1. Town Sponsored/Co-Sponsored
2. Town Charitable Organization
3. Town Resident
4. Charitable Organization
5. Other Individual or Organization

### **SECURITY DEPOSIT**

Town sponsored events will not require a security deposit.

All others will provide a minimum \$100 deposit check with application, payable to the "Town of Norfolk". The check will be returned, if upon determination the area is clean of any refuse; there is no damage to the bandstand or property, other than normal wear; and there were no violation of rules.

If it is determined that damage has been done that is above security deposit amount, appropriate repairs will be arranged by the Town and payment for those repairs will be the responsibility of the permit holder.

### **FEES**

Application and other town permit fees will be assessed accordingly.

*All users are encouraged to make a donation to the Town Hill Endowment Fund.*

## FACILITIES

If the event requires the use of any utilities, the permit holder must make the appropriate arrangements.

Use of electricity will be a flat fee of a \$10.00 minimum.

Toilet facilities, if required, are the responsibility of the permit holder.

### *Rules and Regulations*

1. Security is the permit holder's responsibility, and if traffic control is required, these must be coordinated through the Norfolk Police Department.
2. All permits must be obtained by the permit holder. The issuance of a Usage Permit does not waive the requirement for any other permit, and does not indicate compliance with any regulation or law. If food is to be prepared and sold on site, the permit holder must check with the Board of Health and Board of Selectmen. If a temporary structure and/or equipment are to be used where a safety issue is involved, the permit holder must consult with the Building Inspector.
3. Parking is at a premium in the Town Center. When the Library is open, attendees of events on Town Hill should not use Library parking.
4. Nothing is to be attached or hung on the bandstand, any tree or town structure, except with lightweight white string. Stainless hooks are already in place for such use, both inside and outside the bandstand. Anything so hung must be completely removed.
5. No confetti or rice shall be used.
6. No crepe paper or streamers shall be used.
7. Trash collection and removal is the permit holder's responsibility. Permit holder should designate on the application if they wish to provide their own trash disposal, or if they wish to pay for this service through our Department of Public Works.
8. No structure may be placed on the Town Hill without the express approval of the Board of Selectmen.

9. There shall be no blockage of the level entry of the bandstand (on the plaza or in the interior of the bandstand) at any time.
10. Functions should take place within the stated hours of operation for Norfolk Town Hill (Monday through Saturday, 8:00 a.m.-10:00 p.m., and Sundays, 12:00 Noon-10:00 p.m.). Any variance from these times should be approved by the Board of Selectmen.
11. If, in the opinion of the Board of Selectmen or the Chief of Police, police details or other Town services are required, the permit holder will be expected to be responsible for the cost of these services.

***NORFOLK TOWN HILL IS THE PRIDE OF OUR TOWN CENTER. WE TRUST THAT WHEN USING THIS AREA, YOU WILL GIVE IT THE SAME RESPECT THAT YOU WOULD GIVE YOUR OWN HOME.***

***RETIREE AND TERMINATED EMPLOYEE HEALTH INSURANCE  
POLICY***

Employees whose employment with the Town is terminated for any reason and are either not eligible for or do not take retirement at that time must begin to use their COBRA benefits the first of the month following their termination date. In addition, employees are only eligible for COBRA if they are enrolled in our health plan at the time of their termination.

Employees that take retirement at the time they leave active employment may continue to receive retiree health benefits if they are on the Town's health plans at the time of their retirement.

Should Retirees not be on the Town's plans at the time of their retirement they have six months from their retirement date to notify the Town that they wish to join our health plans and to start receiving benefits.

**TOWN OF NORFOLK**  
**HACKNEY VEHICLE POLICY**

**SECTION 1. DEFINITION OF TERMS**

Whenever in this Regulation the following terms are used, they shall have the meaning respectively ascribed to them in this section:

- (a) Chief of Police - The Chief of Police of the Town of Norfolk or the person authorized by the said Chief to act for him and in his behalf pursuant to this Regulation.
- (b) Hackney Board - The Board of Selectmen.
- (c) Hackney Vehicle - A motor vehicle transporting passengers for hire, and including taxicabs, and public automobiles, but excluding school vehicles.
- (d) Public Automobile - A vehicle for hire for livery purposes without a taximeter.
- (e) Taximeter - A mechanical instrument or device by which charge for hire is mechanically calculated either for distance travelled or for waiting time or for both, and upon which such charges shall be clearly indicated by means of figures.

**SECTION II. HACKNEY VEHICLE LICENSES**

- (a) The Hackney Board is authorized, in accordance with this policy, to grant hackney vehicle licenses to suitable persons, firms and corporations who are owners or lessees of such vehicles whose principal place of business is in Norfolk. All licenses shall be for a term of one year to expire at the end of the year. In addition to all other considerations mentioned in this Regulation, the Hackney Board is authorized to grant licenses when in its judgment the public convenience, needs and welfare will be substantially served by such grant. The Hackney Board may approve up to 4 licenses for the Town of Norfolk. They may increase this limit should the

Town's population or business environment grow to such a level that it is in the best interest of the citizens.

(b) The fee for the first cab is \$375 each year; each additional cab is \$100 and renewal shall be \$100 for each cab.

(c) No license may be sold, transferred or assigned.

(d) Upon change in the Certificate of Registration of a Hackney Vehicle issued by the Registrar of Motor Vehicles of the Commonwealth of Massachusetts, the licensed owner shall within five days of such change present such certificate to the Chief of Police together with his Hackney Vehicle license for notation of such change.

(e) Changes of address of business and/or owner of Hackney Vehicle shall be reported to the Chief of Police and Hackney Board within five days of such a change.

(d) Applications for livery licenses (limousines) must be submitted upon proper form entitled APPLICATION FOR LICENSE, and applicant must fill out CORI application and submit it to the Board of Selectmen

(e) Dress Code for Taxi Drivers:

Every driver having charge of a licensed taxicab in a public place shall be hygienically clean, well groomed, and neat and clean in appearance, suitably dressed.

Male drivers shall be clean shaven and hair shall be neatly trimmed. Or if a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance.

The term "suitably dressed" shall be interpreted to mean the driver, if male, shall wear trousers, shoes and appropriate outer garments. In warm weather, the male driver may wear, as an outer garment, a shirt with collar, with or without a tie.

The term "suitably dressed" shall be interpreted to mean the driver, if female, shall wear trousers, slacks, shoes, and appropriate outer garments.  
In

warm weather, the female diver may wear, as an outer garment, a shirt with collar, a blouse or sweater.

The following articles of clothing are considered inappropriate and are NOT permitted, when the driver, male or female, is in charge of a licensed taxicab:

T-shirts, underwear, tank tops, body shirts, swimwear, jogging suits, or similar types of attire when work as outer garments. Shorts or trunks (bathing or jogging). Sandals, or any type of open-toed footwear.

Any driver who fails to comply with these Dress Regulations may be subject to disciplinary action by his employer or ineligible to lease a taxicab in the Town of Norfolk.

### **INSPECTION III. INSPECTION OF HACKNEY VEHICLES**

(a) During the month of December on an annual basis and prior to filing application for Hackney Vehicle license, each owner shall cause his or its Hackney Vehicle to be thoroughly inspected by the Chief of Police, or a qualified person designated by him, in regard to mechanical condition, general appearance and safety.

(b) All Hackney Vehicles must be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. The exterior and interior shall be clean and sanitary at all times.

(c) The Hackney Board shall revoke or suspend the license of any Hackney Vehicle found by it to be unfit or unsuited for public patronage.

### **SECTION IV. TAXIMETER**

(a) Taximeters are mechanical instruments or devices by which the charge for hire is mechanically calculated, either for distance travelled or

for waiting time or for both and upon which such charge shall be clearly indicated by means of figures.

(b) The size and design of every taximeter shall be approved by the Chief of Police for the Town of Norfolk or his duly authorized representative.

(c) Prior to the annual inspection of Hackney Vehicles or when vehicles are licensed for the first time, every taximeter shall be inspected and sealed by the Sealer of Weights and Measures of the Town of Norfolk or the State of Massachusetts. The fee of such inspection and sealing shall be twenty dollars (\$20) if done by the Town or at the reimbursement cost if done by the State. All meters requiring repair and all new meters installed as replacement must be inspected and sealed prior to use. Taximeters shall also be subject to all Rules and Regulations prescribed by the Director of Standard of the Commonwealth of Massachusetts.

(d) After sundown, the face of every taximeter shall be illuminated so as to throw a continuous steady light thereon.

(e) Every driver of a licensed taxicab shall place the flag of the taximeter in a recording position as soon as he takes on a passenger, and shall keep the flag in a recording position so long as said taxicab is engaged.

## **SECTION V. HACKNEY VEHICLE DRIVER'S LICENSES**

(a) No person, including owners, shall operate a Hackney Vehicle for hire without first obtaining a Hackney Vehicle Driver's License.

(b) The Massachusetts DMV may issue Hackney Vehicle driver's licenses to suitable persons. Each applicant shall submit a Criminal History (CORI) from Massachusetts and a signed release authorizing access by the Chief of Police to the applicant's criminal history from the Criminal History Systems Board.

(c) Applicants shall be deemed unsuitable and will not qualify for a Hackney license if any of the following disqualifying factors apply:

1. The applicant is not able to read and understand English.
2. The applicant is under eighteen years of age.
3. The applicant is addicted to or is a chronic abuser of intoxicating liquors or drugs.
4. The applicant has been convicted of a serious criminal sex offense.
5. The applicant has been convicted of violating the Controlled Substance Act within the last ten years.
6. The applicant has been convicted of an offense involving firearms within the last ten years.
7. The applicant has been convicted of Assault and Battery on a police officer or a serious felony involving violence within the last ten years.
8. The applicant has been adjudicated as a habitual traffic offender within the last ten years.
9. The applicant has been involved in five or more incidents involving motor vehicle violations and/or motor vehicle accidents within the last five years.
10. The applicant does not possess a current, valid Massachusetts driver's license.

(f) Applicants must present, at the time their applications are submitted, a valid driver's license issued by the Massachusetts Registrar of Motor Vehicles.

(g) When a licensed hackney driver changes his address or his employer, he shall notify the Chief of Police in writing within twenty-four hours of such change.

(h) If a license is lost, mislaid, or destroyed, the licensee shall report the same to the Chief of Police immediately, and may apply for a replacement license subject to the terms and conditions of this section.

(i) The Chief of Police may revoke or refuse to issue or renew a license if he is of the opinion that the licensee or prospective licensee is not a suitable person.

## **SECTION VII. RATE OF FARE FOR TAXICABS**

(a) Said rate fare shall be uniform for all licensed taxicabs, namely: \$3.40 for the first 4/5<sup>th</sup> of a mile; an additional sixty cents (\$.60) for each additional fifth of a mile. No drops or extras

(b) All tolls (one way) for tunnels, bridges, roads, and turnpikes shall be assumed by the passenger or passengers.

(c) A flat rate may be charged for trips originating or terminating beyond the geographical limits of the Town of Norfolk. Proof of what shall appear to be an exorbitant charge for services will be regarded as reasonable grounds for believing that the owner or driver so charging is not a suitable person to be licensed

(d) Hand baggage may be carried by passengers without charge.

(e) When more than one passenger is picked up and not discharged at the same destination, the fare charged to the first passenger will be according to the taximeter at the destination of the first passenger. After the departure of the first passenger the taximeter flag will be dropped again and the second passenger will then pay the fare according to the taximeter at the destination of the second passenger. The first passenger to be let off shall be the one whose destination is nearest to the point of

departure. The same process is to be followed for each passenger in the taxicab.

- (f) These rates are subject to change by the Hackney Board.

## **SECTION VIII. WAYBILLS**

The driver of a licensed Hackney Vehicle must keep on a form approved by the Chief of Police and produce upon demand of the Chief of Police or any officer designated by him, a record of all trips made by said vehicle and containing all information requested on the said approved form for each calendar day, said forms to be kept by the licensed owner for a period of one hundred eighty (180) days.

## **SECTION IX. LOST PROPERTY**

Hackney drivers shall immediately after delivering any passenger, search said vehicle for any property which may have been left therein, and any such property found therein shall be delivered by the finder within twenty-four hours to the Chief of Police.

## **SECTION X. DISPLAY OF RATE OF FARE, HACKNEY VEHICLE LICENSE, AND HACKNEY VEHICLE DRIVER'S LICENSE**

The driver of a Hackney Vehicle shall display on the inside of the vehicle in a clear view of the passengers a card indicating the current rate of fare, his hackney driver's license, and a Hackney Vehicle license, except in the case of public automobiles where no rate card is to be displayed.

## **SECTION XI. CONDUCT OF HACKNEY VEHICLE DRIVERS**

- (a) No driver in charge of a licensed taxicab while awaiting the employment of passengers, shall stand the same in any public street or place other than at a stand, nor shall any driver of such taxicab seek

employment by repeatedly and persistently driving his vehicle to and from in a short space before, or by otherwise interfering with the proper and orderly access to or egress from any theatre, hall, hotel, public railroad station or other places of public driving through assembly, but any licensed taxicab driver may accept employment while driving through any public street or place without stops other than those due to obstruction of traffic and at such speed as not to interfere with or impede traffic.

(b) No driver of any licensed taxicab shall solicit and pick up passengers within fifty feet of an established stand when there are Hackney Vehicles on the said stand.

(c) A driver of a licensed taxicab shall not refuse, unless previously under hire or unless the conditions are such as those described in this section, to carry any passenger lawfully entitled to be carried in a taxicab.

(d) Except as permitted by this Regulation, a taxicab shall not demand from any passenger more than the fare recorded on the taximeter, regardless of the number of passengers conveyed.

(e) No driver having charge of any licensed taxicab shall take up or carry any other passenger after the taxicab has been occupied or engaged by any prior passenger, until any such prior passenger shall have discharged said taxicab, without the consent of such prior passenger. Any such prior passenger shall not be obliged or requested to pay any extra fee or fare for refusing such consent.

## **SECTION XII. TAXICAB SERVICE**

(a) All persons engaged in the taxicab business in the Town of Norfolk operating under the provisions of these Rules and Regulations shall render an over-all service to the public desiring to use taxicabs.

(b) Hackney licenses are issued to provide service to Norfolk residents. Calls received for services inside the limits of Norfolk shall be answered in a reasonable length of time as soon as possible and if service cannot be

rendered within a reasonable time, the prospective passenger shall be notified how long it will be before the said call can be answered.

(c) Any licensed owner who shall refuse to accept a call anywhere in the corporate limits of Norfolk at any time when such owner has available taxicabs, or who shall fail or refuse to give over-all service, shall be deemed in violation of this policy and licenses granted to such owner may be revoked at the discretion of the Hackney Board.

### **SECTION XIII. OUT-OF-TOWN HACKNEY VEHICLES**

No person, firm, or corporation not having a Hackney Vehicle driver's license issued by the Chief of Police of the Town of Norfolk shall drive or have charge of a Hackney Vehicle, nor shall any person, firm, or corporation set up and use a Hackney Vehicle in the Town of Norfolk without a Hackney Vehicle license, provided, however, that nothing herein contained shall be construed as prohibiting a driver of a Hackney Vehicle licensed outside the Town of Norfolk from driving through said town or from delivering in said town a passenger accepted outside said town or from accepting within the Town of Norfolk passengers for hire if summoned by or at the request of said passengers by radio or telephone to do so.

### **SECTION XIV. HACKNEY VEHICLE SPACES**

(a) Hackney vehicle parking spaces may be assigned at the discretion of the Hackney Board. Prior to the award of such space, the Board shall receive a written report from the Safety Officer and anyone else deemed by the Board to be affected by the request.

(b) The grant of such space may be revoked at any time by the Board if it deemed it in the public interest to do so. Changes of business and/or owner of Hackney Vehicles shall be sufficient to revoke any use of any parking space.

### **SECTION XV. VIOLATIONS AND PENALTIES**

(a) All complaints and violations of this policy against Hackney Vehicle drivers and owners shall be brought before the Hackney Board who shall hear the facts, and render a decision within fourteen (14) days of said hearing. If the Hackney Vehicle driver or owner is found guilty of the complaint or violation, the Chief of Police may suspend or revoke the license of the offending owner or driver.

(b) Any person or corporation violating any of the provisions of the foregoing sections shall forfeit and pay a fine not exceeding twenty dollars for each offense.

## **SECTION XVI. APPEAL**

(a) Any Hackney Vehicle driver or owner or any person or persons claiming to be aggrieved by a finding of the Chief of Police shall have the right to appeal to the Hackney Board, provided the appeal is filed in writing within five days of the date of the finding. Pending a final determination of said appeal, no decision of the Chief of Police shall be put into effect.

(b) Appeals shall be heard by the Hackney Board which shall hold a hearing within ten days of the filing of the appeal.

(c) The appellant shall have the right to be represented by counsel at said hearing, to introduce such evidence as he may desire, and to cross examine all witnesses. The Hackney Board shall file its report and findings with the Chief of Police within forty-eight hours of the termination of the hearing, said report and finding to be final and binding on all the parties. The Chief of Police shall act pursuant to such report and findings, and immediately notify all parties involved.

## **SECTION XVII. EFFECTIVE DATE**

This Regulation shall become effective on 9/1/2012

## **SECTION XVIII. PROVISIONS SEVERABLE**

If any part, section, or subdivision of these rules and regulations, or the application thereof, shall be held invalid, unconstitutional or inoperative as to any particular person, persons or conditions, such invalidity shall not affect other provisions or applications of these rules and regulations which can be given effect without the invalid provision or application, and to this end the provisions of these rules and regulations are declared to be severable.

These regulations are hereby adopted this first day of September, 2012.

**BOARD OF SELECTMEN**

**NORFOLK BOARD OF SELECTMEN**

## Taxi License Application

1. Fill out attached application. All forms must be completed before application will be accepted.
2. You must contact the Board of Selectmen's Office. You must submit the following information to Board of Selectmen Office:
  - a. A completed hackney application. Note that omitting information will be cause for denial.
  - b. Notary public seal on personal criminal record request form.
  - c. \$375 check or money order made out to the Town of Norfolk (no cash)
  - d. Photocopy of current driver's license-this should be placed inside the boxed area of the valid Mass. Driver's License form.
3. After the license is approved by the Hackney Board the Licensee will bring their taxi to the Police Department for inspection.
7. Final license will not be issued until the State Department of Measures and seals has approved the taxi meter.

We cannot process any applications until we have all the information. If you have any questions, please contact the Selectmen's Office.

**TOWN OF NORFOLK**  
**ALCOHOL AWARENESS POLICY**

A. Any licensee holding an all alcohol or beer and wine license shall participate in a program designed to train employees who engage in either package sales or pouring in methods of observations and detection to avoid selling or serving to intoxicated persons and/or minors. This program will be based on the type of license issued.

B. Listed below are programs that are currently available which meet the requirements of this policy:

- (1) Techniques of Alcohol Management (TAM) offered by the Massachusetts Package Store Association.
- (2) Training for Intervention Procedures by Servers of Alcohol (TIPS).
- (3) Servsafe and/or Bar Code alcohol training offered by the Massachusetts Restaurant Association.
- (4) Any insurance industry approved and qualified program offered by a certified trainer and approved by the Board of Selectmen.

C. All personnel shall be required to participate in a training program based on the type of license issued. New applicants for all alcohol or beer & wine licenses will have thirty (30) days from the date that the application is approved by the Board of Selectmen to complete one (1) of the training programs listed above. New employees of any establishment will have thirty (30) days from the date of employment to complete one (1) of the training programs listed above.

D. All establishments must have available for inspection copies of all employee certification certificates, and maintain during operating hours, in an accessible place, a roster or certificate of trained personnel. The roster shall include:

- (1) Employee name.
- (2) Name of training program.
- (3) Date of training.
- (4) Date valid.
- (5) Date of expiration.

(6) Date of hire.

E. All personnel shall be required to be recertified once every three (3) years by an approved program as noted above.

F. Failure to comply with this policy may result in revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.

**TOWN OF NORFOLK**  
**SNOWPLOW MAILBOX DAMAGE POLICY**

On occasion during a snow storm or the subsequent storm clean up a mailbox may be damaged. This damage is usually the result of snow cast off the plow or during storm clean up when snow is further pushed back to the curb line. In rare circumstances a mailbox is damaged as a result of a direct hit by the plow.

If a mailbox is damaged as a result of a direct hit by the plow, the DPW will replace the post and mailbox with the same or similar one up to a maximum cost of \$300.

If a mailbox is damaged by snow cast off the plow or during storm clean up when snow is further pushed back to the curb line the DPW will supply the homeowner with a standard mailbox and post for the homeowner to install. If the homeowner would like to install a mailbox of their choice they may be reimbursed for the replacement up to a maximum of \$60.

In order to receive reimbursement the homeowner must present to the DPW a receipt for the materials purchased. A homeowner may receive only one replacement mailbox and post or reimbursement per year.

Hardship cases may be given special consideration by the DPW Director.

## ***POLICIES AND PROCEDURE FOR MANAGING WORKER'S COMPENSATION***

### **POLICY STATEMENT**

Town of Norfolk is committed to providing a work environment that is safe for all employees. If a work related injury occurs, the procedures and guidelines contained within must be followed to insure compliance. It is the Town's desire to assist all employees in receiving compensation and medical treatment for any injury that occurs during work hours.

This policy applies to all Town employees excluding public safety employees (police officers and firefighters). Employees whose employment is regulated by bargaining agreement are subject only to those portions of this policy which are not specifically governed by law or agreement.

### **References**

Massachusetts General Law, Chapter 152.

### **IF AN INJURY DOES OCCUR**

The first priority after an accident or injury is to assure that the employee involved receives first aid that is necessary. If medically appropriate, 9-1-1 should be called immediately. Employees with life threatening work related injuries should be taken to the nearest Emergency Room at the hospital. Otherwise, injured employees who are ambulatory should seek treatment from their Medical Provider.

### **REPORTING THE ACCIDENT**

An employee injured on the job must report the injury to their supervisor and fill out an accident report. The accident report begins the claims process and should be done immediately. Supervisors must complete all sections of the accident report. The accident reports must be submitted immediately or no later than 24 hours to the School Department's Human Resource Department, the Police Administrative Office or Selectmen's Office depending on where the employee works.

If the employee is unable to fill out the accident report due to the injury the supervisor is responsible for filling out the accident report. The Insurer will not process medical bills or lost wages without an accident report. It is the

responsibility of the supervisor to report all work related injuries. Failure to report injuries may result in disciplinary action.

### **LOST TIME FROM WORK**

Worker' Compensation starts the day after the day the injury took place. An employee who is incapacitated, by reason of injuries in the course of and arising out of employment by the Town, may elect to receive, from accumulated sick leave, the difference between normal work week compensation and the weekly benefits of the Workmen's Compensation Act. Beginning the day of incapacity employees shall be paid their normal week of compensation from their accumulated sick leave until Worker's Compensation is received. When it is received, an amount equal to that which shall be deducted from the employee's pay and the equivalent amount of time shall be credited to the employee's accumulated sick leave.

Once placed on Workers' Compensation benefits, the employee will receive 60% of their average weekly wage. In accordance with MGL Chapter 152 the employee may supplement 40% of their regular weekly wage with benefit leave (e.g., sick, vacation or personal leave) if they have it available.

If the employee is out for 21 days or more they will be paid for their first five days out by the insurance company. This will result in a double payment for these days. As a result the employee must repay the town for these days and then the five sick days will be reinstated to the employees account.

### **FAMILY AND MEDICAL ACT OF 1993**

In accordance with the Family Medical Leave Act of 1993 (FMLA), your Workers' Compensation and FMLA entitlement of 12 weeks will run concurrently.

### **HEALTH AND LIFE INSURANCE DEDUCTIONS**

If the employee is expected to be on workers' compensation for less than a month, the employee must make payment for the insurance premiums on the date of the deduction would have been made, had the employee been paid wages (e. g. each Friday). If the employee is on workers'

compensation for more than one month, the employee must make payment for insurance premiums at least one month in advance of coverage. Payment should be made by check payable to the Town of Norfolk and mailed to the Finance Department, One Liberty Lane Norfolk MA. 02056. Payment must be received regularly and in the manner described or your coverage may be cancelled.

### **RETURN TO WORK**

Once the employee has medical clearance to return to work, the employee must provide a copy of that medical documentation to the Worker's Compensation Agent, and their manager. No employee should report to work without written authorization from their doctor. If the employee is out of work for 21 days or more they may also be required to see a doctor of the Town's choice to confirm the return to work.

## *LIQUOR LICENSE REFUND POLICY*

If a liquor license is surrendered, revoked due to a sale or closing of the business or other applicable reason, no refund will be given except in hardship situations. The Board of Selectmen must vote to approve any hardship refund.

**Town of Norfolk**  
**ANTI-BULLYING POLICY**

**7/7/14**

The Town of Norfolk is committed to providing all employees a healthy and safe work environment. The Town of Norfolk ensures that employees may file complaints of Bullying in good faith without fear of retribution. The Town of Norfolk is committed to the elimination of all forms of bullying.

This policy applies to all employees of the Town of Norfolk. It applies during normal working hours, at work related or sponsored functions, and while traveling on work related business. There will be no recriminations for anyone who in good faith alleges bullying.

#### DEFINITIONS

Bullying is unwelcome or unreasonable behavior that demeans, intimidates or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. Some examples of bullying behavior are:

#### Verbal communication

- Abusive and offensive language
- Insults
- Teasing
- Spreading rumor and innuendo
- Unreasonable criticism
- Trivializing of work and achievements

#### Manipulating the work environment

- Isolating people from normal work interaction
- Excessive demands
- Setting impossible deadlines

## Psychological manipulation

- Unfairly blaming for mistakes
- Setting people up for failure
- Deliberate exclusion
- Excessive supervision
- Practical jokes
- Belittling or disregarding opinions or suggestions
- Criticizing in public

Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly insults exchanged by long-time work colleagues and comments that are meant to be, or are taken as, demeaning. While care should be exercised, particularly if a person is reporting alleged bullying as a witness, it is better to be genuinely mistaken than to let actual bullying go unreported.

## **Mobbing**

Mobbing is a particular type of bullying behavior carried out by a group rather than by an individual. Mobbing is the bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment or emotional abuse. Although it is group behavior, specific incidents such as an insult or a practical joke may be carried out by an individual as part of mobbing behavior.

## **CONSEQUENCES OF BULLYING**

Bullying is unacceptable behavior because it breaches principles of equality and fairness, and it may represent an abuse of power and authority. It also has potential consequences for everyone involved.

### For those being bullied

People who have been bullied often suffer from a range of stress-related illness. They can lose confidence and withdraw from contact with people outside the workplace as well as at work. Their work performance can suffer, and they are at increased risk of workplace injury.

### For the employer

Besides potential legal liabilities, the employer can also suffer because bullying can lead to:

- Deterioration in the quality of work
- Increased absenteeism
- Lack of communication and teamwork
- Lack of confidence in the employer leading to lack of commitment to the job

### **For others at the workplace**

People who witness bullying behaviors can also have their attitudes and work performance affected. They can suffer from feelings of guilt that they did nothing to stop the bullying, and they can become intimidated and perform less efficiently fearing that they may be the next to be bullied.

## **RESPONSIBILITIES**

### **Managers and supervisors**

- Ensure that all employees are aware of the anti-bullying policy and procedures
- Ensure that any incident of bullying is dealt with regardless of whether a complaint of bullying has been received
- Provide leadership and role-modeling in appropriate professional behavior
- Respond promptly, sensitively and confidentially to all situations where bullying behavior is observed or alleged to have occurred

### **Employees**

- Be familiar with and behave according to this policy
- If you are a witness to bullying, report incidents to your manager, the Town Administrator or the Human Resources Director as appropriate
- Where appropriate, speak to the alleged bully(ies) to object to the behavior

## **IF YOU THINK YOU HAVE BEEN BULLIED**

- Any employee who feels he or she has been victimized by bullying is encouraged to report the matter to his or her supervisor, or with Human Resources.
- Where appropriate, an investigation will be undertaken and disciplinary measures will be taken as necessary.