

## **PERSONNEL BYLAW**

### **TOWN OF TRURO, MASSACHUSETTS**

ADOPTED: Special Town Meeting, February 6, 1990

AMENDED: Annual Town Meeting, April 14, 1992; Special Town Meeting, October 21, 1992;  
Annual Town Meeting, April 20, 1993; Annual Town Meeting, April 12, 1994;  
Annual Town Meeting, April 11, 1995; Special Town Meeting, June 9, 1998;  
Annual Town Meeting, April 24, 2001

REVISED: Special Town Meeting, October 26, 2004 (Article 17. in part. ....“amend the Truro  
Personnel Bylaw by deleting the Truro Personnel Bylaw in its entirety and substituting  
the following therefore in its entirety”)

AMENDED: Annual Town Meeting, April 26, 2005; Annual Town Meeting, April 25, 2006;  
Annual Town Meeting, April 30, 2013; April 29, 2014; April 28, 2015 Annual  
Town Meeting, April 25, 2017; Annual Town Meeting, September 26, 2020;  
Town Meeting, April 25, 2023;

NOTE: Change of Title - Town Administrator to Town Manager effective Annual Town Election,  
May 10, 2016, Question 3.

A true copy attest,

Trudi Brazil  
Interim Town Clerk  
August 22, 2023

# PERSONNEL BYLAW

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PREAMBLE The Personnel Bylaw of the Town of Truro serves to establish for the Town a merit personnel program and personnel policies that are consistent and fair for both Town employees and Town residents.

The goals of the Personnel Bylaw of the Town of Truro are to:

- Motivate and develop employees to do an excellent job for the citizens of Truro.
- Create fair and equitable conditions of employment for town employees.
- Retain appropriate managerial and executive powers in the hands of elected and appointed town officials.
- Insure that the town subscribes to positive affirmative action policies.
- Make available to town officials and employees, as well as the general public, a clear presentation of personnel regulations.

ARTICLE I. Authorization and Application

Section 1.1 Pursuant to the authority contained in Section 108, 108A, and 108C of Chapter 41 of the General Laws, there shall be established bylaws which may be amended from time to time by a vote of the Town at an Annual or Special Town Meeting applying to all employees except those positions filled by popular election and those positions under the jurisdiction of the School Committee. For positions covered by collective bargaining agreement or any other special agreement, the provisions of the bylaw apply except where such agreement contains a condition contrary to the provisions of the bylaw. In such instances the provisions of the collective bargaining agreement or other agreement shall prevail. This bylaw does not constitute a contract between the Town of Truro and its employees.

ARTICLE II. Terminology

Section 2.1 Definitions - In the bylaw, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

- 2.1.1 Continuous Employment - Continuous employment shall mean uninterrupted service for the Town except for vacation periods, sick leave, and other leaves granted in accordance with this bylaw or with the General Laws.
- 2.1.2 Department - Any division or branch of the Town's municipal service whether under direction and control of an appointed or elected officer, board, commission, committee, or other agency.
- 2.1.3 Department Head - Any person, officer, board, commission, committee, or other agency having direct supervision and control of a department and reporting directly to the Board of Selectmen and/or the appointing authority.
- 2.1.4 Emergency Employment - The employment of a person or persons other than regular full-time, regular part-time, and temporary employees in the event of an unforeseen emergency as may be declared by a vote of the

Board of Selectmen, by the State, or by a Federal Agency. Said employment shall be restricted to the duration of said emergency.

- 2.1.5 Employee - Except for those positions filled by election and except for those positions within the school committee's jurisdiction, and employee is any person who, whether temporary, seasonal, regular part-time or regular full-time, receives wages or a salary for services performed for the Town.
- 2.1.6 Regular Full-Time Employee – An employee who, in the service of the Town, fills a year round position for not less than the regularly scheduled work hours each week.
- 2.1.7 Regular Part-Time Employee – An employee who, in the service of the Town, fills a year round position which requires fewer daily and/or weekly hours than the work week provided in Article IV, and who works 20 hours or more per week. (4/05)
- 2.1.8 Temporary Employee – An employee, who in the service to the Town, fills a position, either part-time or full-time, which is available for less than a year.
- 2.1.9 Seasonal Employee – A temporary employee who fills an annually recurring position. Seasonal employment terminates fully at the end of each season for which the position is filled.
- 2.1.10 Year-round position – A position involving compensated employment for more than thirty (30) regularly scheduled work weeks in any calendar year.
- 2.1.11 Shared Employee - An employee working in a particular capacity for the Town and in a like capacity for another municipality pursuant to an inter-municipal agreement. This bylaw shall apply to a shared employee, and the shared employee shall be entitled to compensation and benefits, only as provided in the inter-municipal agreement. (4/15)

### ARTICLE III. Board of Selectmen and Town Manager

- Section 3.1 Section reserved
- Section 3.2 Section reserved
- Section 3.3 Section reserved

Section 3.4 The Town Manager shall in consultation with the Board of Selectmen establish an employee classification plan and a compensation plan as a part of this bylaw, which shall constitute The Classification/Compensation Plan for the Town of Truro; and they shall establish such procedures as they deem necessary to properly fulfill their responsibility to administer the Classification/Compensation Plan and all other matters and provisions as referred to in this bylaw.

#### Section 3.5 Administrative Authority

- 3.5.1 The Town Manager is hereby authorized to administer the provisions of this bylaw and shall, in consultation with the Board of Selectmen, have the authority to decide conclusively for all parties concerned all questions relating to the interpretations and applications of this bylaw.

- 3.5.2 The Town Manager in consultation with the Board of Selectmen shall establish procedures for recruitment, selection, performance appraisal, promotion, discipline, recognition, dismissal and resignation for all employees under the bylaw and issue appropriate administrative regulations for implementation of such procedures; and they may from time to time issue, amend, or revoke administrative regulations for the purpose of giving effect to the provisions of this bylaw.
- 3.5.3 Except as otherwise provided by law, the Board of Selectmen and Town Manager shall have access to all facts, figures, records and other information relating to personnel of Town departments other than the school department, and these departments shall forthwith furnish information in the form requested.

Section 3.6 The Town Manager shall, at least once every year, review the job descriptions and salaries or wages of any and all positions subject to this bylaw and take whatever action may be deemed necessary.

Section 3.7 Personnel Records and Reports.

- 3.7.1 The Town Manager shall maintain personnel records for all Town employees, and these records shall contain the information prescribed by or pertinent to the administration of this bylaw. When the Town Manager so requests, Town officers and employees must furnish all data needed to complete the individual's personnel record.
- 3.7.2 At least monthly and in the form requested, each department head shall report the attendance of its employees and shall note the days and hours worked, vacation days and sick leave, and all other absences and leaves.

Section 3.8 Amendment to the Personnel Bylaws - The Board of Selectmen, at their own motion, may propose any amendment to these bylaws. All amendments to these bylaws, including all or any part of Article XII, shall be ratified by Town Meeting vote.

- 3.8.1 Referral to Finance Committee - The Board of Selectmen shall report any proposed amendments to the Finance Committee.

Section 3.9 Section deleted.

ARTICLE IV. Work Status

Section 4.1 Work Week - Except as provided in Section 4.3, for payroll and record keeping purposes, the regular work week for all employees shall run from Sunday at midnight to the next Sunday midnight. All employees shall be paid bi-weekly unless the Town Accountant designates differently. (4/13)

Section 4.2 Hours of Work per Week - Except as provided in Section 4.3, the standard hours of work per week for full-time employees shall be 40 hours based upon five eight-hour days inclusive of lunch periods or as otherwise established by the department heads with the approval of the Town Manager after consultation with the Board of Selectmen. (4/13)

- Section 4.3      Alternative Work Period - Subject to any collective bargaining obligations that may exist, the Town may establish an alternative work period for law enforcement and/or fire protection personnel pursuant to the Fair Labor Standards Act, 29 U.S.C. §207(k). (4/13)
- Section 4.4      Probationary Period - There shall be a six month probationary period for all newly hired and newly promoted employees. Probationary period shall mean a person filling a permanent position is considered a probationary employee until that person has been actively employed one hundred eighty (180) calendar days. The probationary period will be extended if absences exceed ten (10) working days. Extensions would be in the number of days exceeding ten (10) working days. It may be further extended by agreement between the Town and the employee. Less than satisfactory performance will be grounds for dismissal at any point in the probation period or extended probationary period. During the probationary period, each employee shall receive a written evaluation every two months indicating satisfactory performance by his/her department head with copies to the Town Manager. In order for an employee's probationary period to be deemed at an end, the department head must certify in the final evaluation that the individual has satisfactorily completed the probationary period. The successful completion of the probationary period does not confer any form of tenure upon an employee. During the probationary period, an employee shall be entitled to any insurance benefits which the Town provides to other employees. (4/13)
- ARTICLE V.      Conditions Regulating Overtime
- Section 5.1      Overtime shall be governed by the Fair Labor Standards Act. (4/13)
- Section 5.2      Overtime shall be worked only when necessary in the judgement of the department head and shall be authorized by him/her in advance. (4/13)
- Section 5.3      Limitation on Dual or Multiple Positions - Except as authorized by M.G.L c.268A and as approved in advance by the Board of Selectmen in exceptional circumstances, no employee of the Town shall be eligible for employment in another position with the Town if the combined weekly hours worked by the employee in the service of the Town foreseeably would exceed 40 on on a regular or recurring basis. This provision shall not apply to employees holding only positions exempt from the overtime provisions of the Fair Labor Standards Act. (4/15)

ARTICLE VI. Vacation Policy

Section 6.1 In accordance with the following rules and regulations, all regular full-time employees of all departments of the Town are entitled to vacation on a calendar year basis as set forth below and which may not be taken during the first six months of employment. Vacation time will be awarded at the end of the month for each full month of employment during the months of January through October.

<u>Time in Service (years)</u>	<u>Days of Vacation Per Month- January through October</u>	<u>Maximum Accrual Not to Exceed (days)</u>
0-1	1.0	20
1-2	1.1	20
2-3	1.2	20
3-4	1.3	20
4-5	1.4	20
5-6	1.5	25
6-7	1.6	25
7-8	1.7	25
8-9	1.8	25
9-10	1.9	25
10-11	2.0	30
11-12	2.1	30
12-13	2.2	30
13-14	2.3	30
14-15	2.4	30
15-on	2.5	30

Vacation time granted and taken by an employee shall be in units of not less than one (1) full-day at the discretion of the department head. In addition, vacation days used granted to compensate for sick leave following exhaustion of sick leave credits, may also be taken in units of not less than half day (.5) increments. (4/17)

6.1.1 Presently Accrued Vacation - Vacation accrued prior to the effective date of this bylaw shall not be lost as a result of its adoption.

6.1.2. Vacation Time During Leaves of Absence - Employees are not entitled to earn vacation time during leaves of absence. (See Article VII and Article IX)

Section 6.2 Vacations for Regular Part-time Employees - All regular part-time employees (as defined in 2.1.7) of the Town are entitled to annual vacations as above, but multiplied by the ratio of their part-time employment hours to regular full-time employment hours. (4/05)

Section 6.3 Rules for Vacation (See Sections 6.1 and 6.2)

6.3.1 Designation of Vacation Periods - The Town, through its Department Heads or through the appointing authority when it is the Department Head who is requesting vacation time, reserves the right to schedule the granting

- of vacation periods to all employees in all departments in order most conveniently to meet the work program of any department.
- 6.3.2 Selection of Time Based on Seniority - In the event that the occasion arises whereby the selection and assignment of a particular vacation period by one employee conflicts with that of another, and a choice must be made, the decision of the department head will be based on seniority.
- 6.3.3 Vacation Week - As referred to in these regulations, a vacation period of one week duration shall mean the number of hours off with pay that an employee is normally required to work within a seven day period beginning on Sunday at 12:01AM.
- 6.3.4 Compensation Upon Separation from Service - A regular full-time and a regular part-time employee leaving the service of the Town who has vacation credits due him/her shall, upon his/her separation from the service of the Town, be compensated for said vacation time due him/her at his/her regular rate of pay. If the employee is discharged for cause, the Town shall have the right to withhold payment for some or all of the accrued vacation time.
- 6.3.5 Prior Credit for Town Service - In the event that any Town employee transfers from regular part-time service to regular full-time service and has been receiving pro-rata vacation and sick leave benefits, he/she shall be given credit for years of service in the part-time status toward credits to be earned for vacation and sick time on a full-time basis.
- 6.3.6 Ten (10) Days Vacation Buy Back – Employees with more than six (6) years of permanent full time employment may be paid for up to ten (10) days of unused vacation leave at their regular daily rate of pay in effect for that year, under the following conditions:
- 6.3.6.1 Have no outstanding obligations to repay the Town for advance vacation and/or sick leave
  - 6.3.6.2 Provide six (6) months advance notice to the Town Manager of their request
  - 6.3.6.3 Authority to grant such requests is at the sole discretions of the Town Manager.
  - 6.3.6.4 Payment for unused vacation leave shall be paid on the last pay period of December each year.
- 6.3.7 Maximum Vacation Accrual – Maximum vacation accrual will be calculated once per year on December 1<sup>st</sup>. The maximum number of vacation days allowed to be accrued will be effective January 1<sup>st</sup> of each year. After an employee exercises their option to be paid for up to ten (10) days of unused accrued vacation leave in accordance with section 6.3.6, and if the employee still exceeds the maximum accrual permitted, the employee will not earn any additional vacation time until they have used their excess unused accrued vacation leave, and have reached as accrued vacation leave balance below the maximum accrual amount allowed.

## ARTICLE VII. Sick Leave, Injury, Death in Family

- Section 7.1 Employees Entitled to Sick Leave - All regular full-time and regular part-time employees (as defined in Section 2.1.7) who have been employed by the Town



continuously for six months may be allowed sick leave as a privilege but not as a right. However, sick leave used prior to an employee reaching six (6) months employment may be granted at the discretion of the Town Manager. The following rules apply in the application of sick leave: (4/05)

- 7.1.1 Sick Leave Credits - Regular full-time employees shall earn annual sick leave credits upon the basis of 1.25 days for each full month of employment. Regular part-time employees (as defined in Section 2.1.7) shall earn sick leave credits as above multiplied by the ratio of their part-time employment hours to regular full-time employment hours. (4/05)
  - 7.1.1.1 Sick Leave Buy Back - Upon retirement or death, the employee, or his or her estate, will be paid for any unused sick days at a rate of twenty-five (25) percent of their pay rate at the time of their retirement or death. In addition, upon the voluntary separation of the employee after the completion of six (6) years of continuous employment, and at the discretion of the Town Manager, the employee will be paid for any unused sick leave credits, up to the maximum of one hundred fifty (150) days, at a rate of twenty five (25) percent of their pay rate at the time of their separation.
- 7.1.2 Accumulation of Sick Leave Credits - Sick leave credits may be allowed to accumulate without limits.
  - 7.1.2.1 Sick Leave Debits – Sick leave shall be debited in increments of half days (.5) as follows:
    - 7.1.2.1.a Four (4) hours or less = .5 day
    - 7.1.2.1.b Over four (4) hours = 1 full day
- 7.1.3 Injury in the Line of Duty - Should a regular full-time or regular part-time employee be absent from work due to injury directly attributed to his/her employment other than as a result of his/her gross negligence, the salary or wage paid to such employee during such absence shall, for a period not to exceed six months, be his/her regular rate of compensation less any payment received from Workmen's Compensation or any other insurance paid by the Town, except for that paid as compensation for medical expenses. Thereafter, the employee shall receive only Workers' Compensation benefits and shall be deemed to be on unpaid leave.
- 7.1.4 Bereavement Leave - In the event of the death of a member of the immediate family of an employee, said employee will be granted leave without loss of pay not to exceed five (5) days annually in order to attend the funeral or take care of related arrangements. Said leave will not be charged to sick leave or vacation leave. For purposes of this section, immediate family shall mean spouse, parents of the employee or spouse, children or siblings.
- 7.1.5 Serious Illness in Home - Sick leave may be used for illnesses of family members residing in the home of the employee up to a limit of five days annually. Permission to use more than five days of sick leave for this purpose must be approved by the Town Manager.
- 7.1.6 Notification of Absence Required - Every employee who is ill shall call or cause his department head to be called and to be notified of such illness

previous to the start of his/her work day. If an employee does not provide such notification, sick leave benefits may be withheld for the absence.

7.1.7 Reporting Injuries in the Line of Duty - Any employee of the Town, including emergency employees, injured in any way while in the service of the Town, shall report said injury or cause said injury to be reported to his/her department head forthwith, and in no event later than twenty-four hours after the occurrence of said injury. Said report shall be in writing or on forms provided for the purpose and shall contain the following information:

- a. time and place of injury
- b. weather conditions
- c. description of work being done at time of injury
- d. description of equipment being used
- e. description of how accident occurred
- f. names of witnesses
- g. description of injuries
- h. name of attending doctor
- i. description of treatment received

7.1.8 Examination by Physician - The Town reserves the right to require an employee's physician to submit a certificate for illness or injuries previous to payment for sick leave in excess of three consecutive days; to contact said physician; and to require an examination by a physician of the Town Manager's selection. An examination may also be required to certify the employee's fitness to return to work after an illness or injury.

7.1.8.1 The Town reserves the right to require an employee to submit to a fitness for duty evaluation(s) and/or independent medical examination(s) by a physician of the Town's selection at the Town's expense, when an employee is out of work and/or being considered for return to work after a work or non-work related injury or illness, and if the Town Manager has reason to question the employee's fitness for work; and to contact the employee's physician and to require that the employee sign a release for any medical records pertinent to the claimed illness or injury, or to a determination of fitness for duty. These medical records shall be kept confidential and shall be shared with the Town's physician or released to its insurers only to assess the employee's claims or fitness for work.

7.1.9 Vacation Credited to Sick Leave - Vacation credits may be applied to sick leave, if needed.

7.1.10 Penalty for Abuse of Privileges - In the event of abuse of any regulation pertaining to sick leave privileges, the Town may disallow sick leave and may discipline or discharge an employee.

## ARTICLE VIII. Holidays

Section 8.1 Employees Entitled to Holidays With Pay - On the holidays listed in the Article, all hourly permanent full-time employees shall receive one day at straight

time pay. Permanent part-time employees will be paid for the hours scheduled to be worked; and exempted employees will be granted the time off with their compensation recognized as being included in their annual salaries, for the following legal holidays:

New Year's Day	Labor Day
Martin Luther King Day	Indigenous Peoples Day*
Presidents' Day	Veterans Day
Patriots' Day	Thanksgiving Day
Memorial Day	Christmas Day
Juneteenth*	Friday after Thanksgiving
Independence Day	Christmas Eve
New Year's Eve	

Should any of the listed holidays fall on a Saturday, the preceding Friday would be observed. If the holiday falls on a Sunday, then the following Monday would be observed. If Christmas Day/New Year's Day fall on a Monday, Christmas Eve/New Year's Eve may be banked for future use on a date prior to the end of the fiscal year with appropriate Department Head/Town Manager approval. State-mandate, alternative, celebration dates supersede this paragraph. \*ATM 2023

- 8.1.1 Conditions Affecting Required Work on Holidays - An employee entitled to holidays with pay as provided for in his section, and who is required to work on said holiday, shall be paid on the basis of straight time in addition to his/her regular pay.

ARTICLE IX. Leave of Absence, Court Leave and Military Leave

Section 9.1 Leave of Absence - A regular full-time or part-time employee may apply for a leave of absence without pay when he/she has completed one full year of employment. Requests shall be based upon good and sufficient reason, must be in writing to the department head and shall be subject to the approval of the Board of Selectmen.

- 9.1.1 Limitation on Leaves - Leaves of absence shall not be granted for more than three months, but upon approval of the Town Manager, such leaves may be extended for not more than three month periods at a time, and shall not normally exceed twelve (12) months in the aggregate, or twenty four months (24) for military service. (See Section 6.1.2)
- 9.1.2 Restrictions During Leave of Absence - It is not permissible to accept any other employment during such a leave except with the approval of the Board of Selectmen, and employees who do not return at the pre-determined time of the expiration of their leave of absence shall be considered terminated of their own volition.
- 9.1.3 Fringe Benefits During Leave of Absence - Employees granted a leave of absence without pay will not accrue credit for sick, vacation or other types of paid leave. They may continue in various Town insurance programs by paying the full cost themselves. Seniority time will not accrue during leaves of absence.
- 9.1.4 Family and Medical Leave Act The Town's employment practices are subject to and governed by applicable state and federal employment laws.

#### 9.1.5 Small Necessities Leave Act:

Employees who are eligible for twenty-four (24) hours leave pursuant to the Small Necessities Leave Act (G.L. Chapter 149, Section 52D (a)(3)) must substitute any accrued paid vacation leave or personal leave for medical or dental appointments or appointments for other professional services, or any of the leave provided under the Act,

To be entitled to leave, employees must provide notice to the Department Head as follows:

- a. If the need for leave is foreseeable, the employee must request the leave not later than seven (7) days in advance; or
- b. If the need is not foreseeable, the employee must notify the employer as soon as practicable under the particular circumstances of the individual case; and
- c. Employees must complete the attached certificate form.

#### Employee's Certification

I certify that on \_\_\_\_\_ I will/did take \_\_\_\_\_ hours of leave for the following purpose:

\_\_\_\_\_ To participate in school activities directly related to the educational advancement of a son or daughter.

\_\_\_\_\_ To accompany the son or daughter of the employee to routine medical or dental appointments such as check-ups or vaccinations.

\_\_\_\_\_ To accompany an elderly relative to routine medical or dental appointments for other professional services related to the elder's case.

Employee's Name: \_\_\_\_\_

Date: \_\_\_\_\_

Section 9.2      Military Leave - Employees who are members of the military reserves will receive the difference between military pay and regular pay for the annual two (2) week tour of duty in the military reserves.

Section 9.3      Jury Duty - If an employee is called to jury duty, he/she shall receive an amount equal to the difference between his/her normal compensation and the amount (excluding any travel allowance) received for such duty upon presentation of evidence of the amount so paid.

Section 9.4      Maternity Leave

A full-time or regular part-time employee who has completed her probationary period is eligible for a leave of absence without pay for up to eight (8) weeks for the purpose of giving birth, or adopting a child under the age of 18; or adopting a child under the age of 23, if the child is mentally or physically disabled. The employee will provide at least two (2) weeks notice of the date of departure and date of return.

Upon return, the employee shall be restored to her previous, or a similar position, with the same status, pay, length of service credit and seniority as of the date of the leave, unless other employees of equal standing have been laid off during the period of the leave. In such case, the employee on maternity leave shall retain preferential consideration for another position to which she may be entitled as of the date of the leave.

Health and basic life insurance coverage's will continue during the unpaid leave period if the employee desires and arranges for full payment of regular premiums. No retirement contributions will be made during the period of unpaid leave.

An employee on maternity leave may use any accrued vacation time, accrued sick time, & Personal time to receive pay. However, after eight (8) weeks maternity leave, accrued vacation time, accrued sick time and personal time shall only be used as designated in such policies.

Section 9.5      Personal Leave - Employees covered by this article shall be allowed two (2) personal days per calendar year, pro-rated during the initial year of employment from the employee's anniversary date. Personal days shall be taken in increments of at least one-half (0.5) of a regular workday. Twenty-four (24) hours notice of personal time to be taken shall be given, except in emergency situations. An employee must be employed at least six (6) months before earning any personal leave, with the understanding that one (1) personal day will be credited after the first six (6) months of employment, and the second day after the next six (6) months of employment, and then two (2) days annually starting in the second year of employment.

Section 9.6      Absence Without Leave – When, without Department head or personnel Bylaw authorization, an employee is absent from assigned service or duty, the employee shall be deemed to be absent without leave. This shall include absence for a day or any portion thereof.

9.6.1      Cause for Discipline - Any absence without leave shall be without pay and may be subject to disciplinary action.

9.6.2      Cause for Termination - Any employee who is chronically absent without leave or who is absent without leave for three consecutive days is subject to termination.

9.6.3      Exception if Prior Approval Not Possible - If an employee makes a good faith but unsuccessful effort to request from the employee's department head prior approval for an absence, the employee should notify other employees, prior to the absence, so that the Town can take steps to

minimize the inconvenience resulting from the absence. Under such circumstances, the absence shall not be deemed to be an absence without leave, provided that the employee does subsequently notify the department head of the absence as soon as possible.

ARTICLE X. Physical Examinations

Section 10.1 Physical Examinations of Job Applicants and Employees - The Town may, after an offer of employment, require applicants for all regular full-time and regular part-time employment by the Town to be examined and certified by a physician designated by the Town Manager. The certification shall apply to the applicant's physical fitness to perform the duties of the position sought and/or as to any physical condition or limitations that would or could adversely affect his/her welfare or employment by the Town, except as set forth in state laws concerning the handicapped. The Town Manager may in like manner and for the same purpose require all other applicants for employment by the Town, as well as persons currently employed by the Town, to submit to like physical examinations with reference to positions sought or filled.

ARTICLE XI. Classification/Compensation Plans

Section 11.1 Classification Plan - Every employee of the Town currently employed and all future employees shall be assigned to a job title in accordance with the Town Classification Plan and shall perform duties substantially in accordance with the job descriptions as described in connection therewith.

Section 11.2 Compensation Plan - The Compensation Plan designates the rate of pay established for each position and/or classification and provides for a starting and maximum salary or wage and for annual step-rate increments.

11.2.1 Rates of Pay - Within the compensation plan, rates of pay are stated as hourly rates for hourly employees and annual rates for salaried employees. The wages, salaries and benefits provided by this bylaw shall constitute the entire remuneration of the employees payable by the Town except as otherwise provided by this bylaw.

11.2.2 Increments Based on Job Performance - The payment of step-rate increments provided for in the compensation plan shall be based upon job performance and become effective, subject to the recommendation of the department head and appointing authority and subject to the approval of the Town Manager and/or appointing authority. The recommendation must be accompanied by a performance evaluation from the department head and/or appointing authority. In the case of department heads, the recommendation must come from the appointing authority.

11.2.3 Salary or Wage Effective In Event of Promotion - In the event of the promotion of an employee from one classification to another, the employee's salary shall be placed on the appropriate step in the higher salary grade that would provide an increase of not less than 5%, except that upon the basis of training and experience associated with the work to be

performed, and subject to the recommendation of the department head and the approval of the Town Manager and/or appointing authority, such person may be engaged at a higher step.

11.2.4 Salaries or Wages Not to be Reduced By The Adoption of This Bylaw - As a result of the adoption of this bylaw, the compensation of any employee in effect previous to its adoption shall not be reduced. Any rate of pay or benefit in effect prior to the adoption of this bylaw and which exceeds that called for by the same, shall remain at the higher level until such time as through adjustments to the Compensation Plan, the salary or wage of such employee is equaled or exceeded by said Plan, at which time such salary or wage shall be brought into compliance with said plan and so continue.

11.2.5 First Increment for New Employees - Employees entering the service of the Town shall be employed at the first step in the appropriate salary grade. If the Town Manager and/or appointing authority consider that the applicant's education, training, and/or experience justify a higher entry level, the new employee may be assigned to a higher step. Similarly, if the Town Manager and/or appointing authority consider that the applicant's education, training, and/or experience warrant it, and/or that recruitment of a well-qualified candidate warrants it, the new employee, at the discretion of the Town Manager, may be considered to have advanced time in service for purposes of placement on the vacation schedule set forth in Article VI, Section 6.1. (4/14)

11.2.6 Increments Limited - Step increases are not automatic annual raises. Step increases for one or more increments on the classification plan within an employees' present classification, may be granted administratively only once during a fiscal year. Step increases shall be based on training and experience associated with the work to be performed and shall be subject to the recommendations of the department head and/or the appointing authority and shall be subject to the approval of the Town Manager.

11.2.7 Longevity - Based on their employee anniversary date of employment, all regular full-time employees shall be entitled, after the first full 72 months of continuous service to the Town, to a longevity bonus of three hundred dollars (\$300.00), and then an additional ninety dollars (\$90.00) for each year of service afterward. Upon completion of an employee's twentieth (20th) year of service, said bonus shall increase to one hundred fifteen dollars (\$115.00) for each year of service over twenty (20). Upon completion of an employee's twenty-fifth (25th) year of service, said bonus shall increase to one hundred fifty dollars (\$150.00) for each year of service over twenty-five (25). This bonus shall be paid on the first pay period of December of each year. All regular part time employees (as defined in 2.1.7) of the Town are entitled to longevity, but multiplied by the ratio of their part time employment hours to regular full-time employment hours. If an employee in good standing separates from service before the first pay period of December, but has completed a full year of service from their last anniversary date, said employee shall be paid the appropriate longevity bonus on the next pay date after the separation date. (4/05, 4/06, 4/13, 4/14)

- Section 11.4      Job Descriptions - Job descriptions outlining the duties and responsibilities for the various positions within the classification and compensation plan shall be prepared by the department heads and approved by the Town Manager, in consultation with the Board of Selectmen for department heads only, previous to the classification of and/or the assignment of grades to employees. Said job descriptions shall be maintained as a public record by the Town and be immediately available to any employee or person. Said descriptions may be amended from time to time but not before the posting of notice of said intent and notification of any employee to be affected by said proposed change. The descriptions shall serve as a measurement for the objective placement of employees within various classifications. Job descriptions given any classification and/or position shall apply to that position regardless of department or administrative authority.
- Section 11.5      Performance of Duties of Lower Grades - Each employee in one grade shall be required to perform the duties of that particular grade and, in addition thereto, upon the request of his/her supervisor, perform the duties of lower grades within his/her classification.
- Section 11.6      Performance of Duties of Higher Grades - An employee assigned by the Town Manager to perform the duties of a higher classification for a period of twenty (20) work days or more, exclusive of vacations, shall thereafter be paid the higher rate if he/she continues to work in the higher classification, with compensation retroactive to the first day of assignment. To qualify for said assignment the employee must assume and perform all duties of the higher classified position. (4/13)
- Section 11.7      Insurance Benefits - The Board of Selectmen shall make available group health and life insurance coverage to employees of the Town as provided below:
- 11.7.1 Eligible Employees - The following employees are eligible to obtain coverage under the Town's group health and life insurance policies: (a) regular full- time employees, (b) regular part-time employees who are expected to provide compensated services to the Town for at least twenty (20) regularly-scheduled hours per week, and (c) retired employees who have been accepted as retirees under the Barnstable County Retirement Association or the Massachusetts Teachers Retirement Board. Temporary and seasonal employees are not eligible. (4/05)
- 11.7.2 Allocation of premiums - The Town shall pay 65% of the premium due for employees electing to participate in the Town's group health and life insurance plans.
- 11.7.3 Termination - An employee who is eligible for insurance benefits and whose employment is terminated, or who otherwise becomes ineligible, shall have his or her health insurance benefits terminated in such a manner as is consistent with federal law.
- Section 11.8      Automobile Liability Insurance - The Board of Selectmen shall require that any employee or volunteer using his or her personal vehicle while acting as an agent of the Town must be notified that the Town shall not be held liable for uninsured



damages to that vehicle while they are acting as agents of the Town. The Town, however, shall, as a provision of this Section, reimburse the employee or volunteer for the insurance deductible portion of such losses, up to a maximum of \$500.00 per incident, if the loss is not attributable to the employee's or volunteer's negligence.

ARTICLE XII. Classification/Compensation Schedules

- Section 12.1 Pay Raises (Amendments to Article XII) - Proposed amendments to Article XII shall be initiated by the Town Manager, other appointing authority, or Department head, as the case may be, and may be placed on a Town Meeting Warrant by the Board of Selectmen. The various departments should anticipate and coordinate such action with their particular work schedule or season when possible.
- Section 12.2 Individual Employees Seeking a Pay Raise - An individual employee seeking a pay raise or other adjustment to Article XII should apply through the Department Head, Town Manager, the Board of Selectmen and/or appointing authority, and is expected to exhaust all of these avenues of application before resorting to a self-petitioned article on a Town Meeting Warrant. When department heads submit such applications for themselves, they shall file their applications to the Board of Selectmen and with their appointing authority, if different.
- Section 12.3 Classification and Compensation Schedule - The following schedule, subject to the provisions of General Laws and provisions of this bylaw, shall constitute the Classification and Compensation Schedule of the Town of Truro.

NOTE: The Classification and Compensation Schedule is listed separately for convenience only.

ARTICLE XIII. Performance Evaluation, Training and Outside Employment

- Section 13.1 Performance Evaluations - All department heads and supervisors, including the Board of Selectmen when acting in its capacity as a department head or supervisor of a department head as per Section 2.1.3 of this bylaw, shall be required on an annual basis to evaluate on Town performance evaluation forms furnished by the Town Manager for each employee under their supervision. These evaluations are to be kept with the employee personnel records in accordance with Massachusetts General Laws, Chapter 66, in the personnel office and are available to the Department Head, the employee and/or the Board of Selectmen on request.
- Section 13.2 Counseling Employees - The Town Manager shall, in consultation with the department heads, develop a program for counseling troubled employees.
- Section 13.3 Employee Training - Each department head shall annually develop a training program designed to develop the skills of each of the regular full-time and part-time employees in his/her department and provide the Town Manager with a copy.
- Section 13.4 Outside Employment - Any regular, full-time employee who intends self employment or other additional employment, shall first file notice with his/her

department head and shall include a statement that there will be no conflict of interest as a result of the position, that he/she is properly covered by workmen's compensation and liability insurance and that there will be no physical impairment to carrying out Town duties as a result of the additional employment. The department head must approve or disapprove the notice of the employee to undertake outside employment or work and forward it to the Town Manager. In the event the department head disapproves the employee's notice on the basis of the criteria set forth above, the Town Manager will schedule a meeting with the employee and the department head to resolve the matter so that the interests of the Town are protected.

#### ARTICLE XIV. Disciplinary Action

Section 14.1 Any employee may be subject to disciplinary action for the following reasons:

- a. chronic tardiness or absenteeism without leave;
- b. refusal to carry out lawful orders or instructions;
- c. abusive or violent behavior;
- d. repeated violations of standards of performance or work rules;
- e. inability to perform assigned tasks; or
- f. any other behavior by the employee which impairs the performance of the employee's duties to the Town.

Section 14.2 A department head shall be responsible for taking disciplinary action, in appropriate circumstances, with respect to employees within his or her department. The Town Manager or appointing authority shall be responsible for taking disciplinary action, in appropriate circumstances, with respect to department heads. For purposes of this article, the person (or persons) authorized to take disciplinary action is referred to as the "employer".

Section 14.3 The following disciplinary actions are authorized:

- 14.3.1 The employer shall conduct a "corrective interview" with the employee. The employer shall clearly describe to the employee his or her conduct which is not acceptable and which is the basis for the disciplinary action. The employer may also suggest ways in which the employee could remedy the behavior in question. Normally, a corrective interview shall precede other more serious disciplinary action taken with respect to a type of conduct which subjects an employee to discipline.
- 14.3.2 If, after a corrective interview, an employee engages in conduct similar to that which was the basis for the earlier disciplinary action, the employer shall prepare a written "employee reprimand" on a form approved by the Town Manager. The reprimand shall be prepared in triplicate and be signed by the employer and the employee. The employee's signature shall be indicative only of the fact that the employer has discussed the reprimand with the employee. Copies of the reprimand shall be distributed to the employee, to his or her file, and to the employee's immediate supervisor.

- 14.3.3 If, after a written reprimand, an employee engages in conduct similar to that which was the basis for the earlier disciplinary action, the employer may suspend the employee, without pay. The employee shall be provided with written notice of the suspension within twenty-four hours of the action. Such notice shall clearly state the reasons for the suspension and its duration.
- 14.3.4 If, after a suspension, an employee engages in conduct similar to that which was the basis for the earlier disciplinary action, the employer may discharge the employee.
- 14.3.5 While this article requires that discipline be imposed in graduated steps, i.e., progressing from a corrective interview to a written reprimand to suspension to discharge, so that an employee is provided with ample opportunity to perform according to the requirements of the job, there may be circumstances where conduct is so clearly and seriously detrimental that the employer is authorized to take any one of these disciplinary steps in the absence of what normally would be a preceding step.

## ARTICLE XV. Termination

Section 15.1 Except as otherwise provided, any appointed paid employee of the Town, whether appointed for a fixed or indefinite term, may be suspended or removed from office by the appointing authority for good cause necessary to protect the interests of the Town. Good cause shall include, but not be limited to the following:

- (a) Incapacity other than temporary illness;
- (b) Inefficiency and/or inability to perform assigned tasks;
- (c) Insubordination and/or refusal to carry out lawful instructions;
- (d) Conduct unbecoming to the office and/or which reflects adversely upon the Town.

Suspension and/or removal from office shall be accomplished in accordance with the General Laws, Town Personnel By-law, employment contract, or collective bargaining agreement.

## ARTICLE XVI. Right of Appeal

Section 16.1 Right of Appeal - All employees coming within the scope of this bylaw shall have the right of appeal to the Board of Selectmen from decisions made by the Department Heads and/or appointing authority for matters covered by this bylaw, and the decision of the Board of Selectmen shall be final. Any appeal shall be in writing to the Board of Selectmen within fourteen days of said decision. The Board of Selectmen shall hold a meeting within fourteen days of receipt of said appeal and shall render a decision within fourteen days of the meeting. The decision shall be transmitted to the person making an appeal in writing with a copy to be sent to the department head and/or appointing authority when appropriate. The Board of Selectmen shall hold said meetings in executive session unless the appellant employee chooses to open the meeting to the public.

Section 16.2      Section deleted.

ARTICLE XVII. Affirmative Action

Section 17.1      The Town of Truro, recognizing the right of an individual to work and to advance on the basis of merit, ability and potential without regard to age, sex, race, color, disability, religious creed, sexual orientation, ancestral origin or national origin, resolves to take Affirmative Action measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment.

Section 17.2      Non-discrimination and equal opportunity are the policy of the Town of Truro in all of its programs and activities. Therefore, all Town employees shall rigorously take affirmative action steps to ensure equal opportunity in the internal affairs of all departments , as well as in their relations with the public, including those persons and organizations doing business with any Town agency. Each department, in discharging its statutory responsibilities, shall consider the likely effects which its decisions, programs and activities shall have in meeting the goal of equality of opportunity.

Section 17.3      Affirmative action must entail positive and aggressive measures to ensure equal opportunity in internal personnel practices and in those programs which can affect persons outside of Town government. This affirmative action shall include efforts necessary to remedy the effects of present and past discriminatory patterns and any action necessary to guarantee equal opportunity for all people.

ARTICLE XVIII. Conflict of Laws

Section 18.1      Nothing written or implied in this bylaw shall be construed to conflict with Chapter 31 of the General Laws or any other Chapter or Section of the Laws of The Commonwealth. The absence in this bylaw of rights conferred by state and federal laws shall not be construed as their prohibition and shall not in any manner inhibit an employee's exercise of those rights. (Chapter 31 deals with the Civil Service Laws)

ARTICLE XIX. Separability Provision

Section 19.1      In the event that any provision of this bylaw, or any application thereof, shall be held invalid by the proper authority, this shall not be construed to affect the validity of any other provision, or application of this bylaw.

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