

**TOWN OF DALTON, MASSACHUSETTS
PERSONNEL POLICIES AND PROCEDURES HANDBOOK**



Adopted by the Select Board on August 17, 2026

**TOWN OF DALTON
PERSONNEL POLICIES AND PROCEDURES HANDBOOK
TABLE OF CONTENTS**

I. GENERAL TOWN POLICIES

Administration of Policies	1
General Authority	1
Definitions	2

II. GENERAL EMPLOYMENT PROVISIONS **5**

Town of Dalton Affirmative Action and Equal Employment Opportunity Statement	5
American with Disabilities Act (ADA)	5
Reasonable Accommodation	5
Outside or Conflicting Employment	6

III. EMPLOYMENT **6**

Personnel Records	6
References	7
Selection and Appointment	7
CORI Policy	9
SORI Policy	11
Pre-Placement Medical Examinations	11
Orientation and Onboarding	11
Probationary Period	12
Temporary Assignment Working out of Grade	12
Promotions/Transfers	13
Training and Professional Development	13
Resignation and Exit Interviews	13

IV. TIMEKEEPING AND PAYROLL **14**

Equal Pay Law	14
Wage and Classification Plan	14
Compensation Plan	15
Hours of Work and Pay Period	15
Payroll	16
Payroll not covered by Social Security	16
Overtime	17
Fair Labor Standards Act	17
Compensatory and Flextime	17
Exempt Employees	18
Flextime	18

V. EMPLOYEE BENEFIT PROGRAMS	18
Holidays	18
Vacation	19
Sick Leave	19
Personal Leave	20
Bereavement Leave	21
Jury Leave	21
Veterans Organization Conference Leave	21
Group Insurance and Benefits	21
Health Insurance	21
Medicare Enrollment	22
Medicare Coverage After Death of Spouse	22
Dental Insurance	22
Group Life Insurance	22
COBRA	22
Deferred Compensation	23
Employee Reimbursements	23
Employee Assistance Program	23
Retirement and Pension Program	24
Medicare Tax	25
Defined Contribution Plan (OBRA)	25
VI. LEAVES OF ABSENCE	25
Family Medical Leave Act	25
Military Leave	27
Small Necessities Leave	27
Parental Leave	28
Pregnant Workers Fairness Act	29
Domestic Violence	29
Statutory Leaves	30
Unpaid Leave of Absence	30
VII. WORK CONDITIONS AND HOURS OF WORK	31
Whistleblower Statement	31
Remote Work	31
Separation Policy	32
Unemployment	33
Permanent Layoff and Temporary Layoff Policy	33
Severe Weather and Unexpected Emergencies	33
VIII. WORKPLACE SAFETY	34
Occupational Health and Safety Administration (OSHA)	35

Light Duty	35
Tobacco Free Workplace	35
Workers' Compensation	35
Workplace Violence	36
Weapons in the Workplace Policy	37
IX. EMPLOYEE CONDUCT AND DISCIPLINARY ACTION	38
Employee Standards of Conduct and Conflict of Interest	38
Drug and Alcohol Policy	40
Use of Town or Personal Vehicle for Municipal Work	47
Technology and Acceptable Use Policy	48
Town of Dalton Social Media Site	50
Employees' Use of Social Media	53
Artificial Intelligence (AI) Policy	55
Disciplinary Policies and Procedures	59
Anti-Discrimination Policy	61
Solicitations	64
X. GRIEVANCE PROCEDURE	64
Employee Complaint / Grievance Procedure	64
XI. POLICE DEPARTMENT EXEMPTION	65
XII. SIGNATURE PAGES	66
Personnel Policies and Procedures Acknowledgment Form	66
Drug and Alcohol Policy Receipt Form	67
Receipt of Anti-Discrimination Policy (issued annually)	68
Employees' Use of Social Media	69
Artificial Intelligence (AI) Policy	70

TOWN OF DALTON, MASSACHUSETTS



Welcome to the Town of Dalton!

We are pleased to have you as part of our talented team of employees. The purpose of this Handbook is to help orient you to Dalton town government, your new position and to inform you of multiple federal and state laws and town procedures and policies that will guide you in your new role. We hope it answers many questions employees frequently ask and helps you adjust to your new position. The Handbook covers a wide range of topics from work rules to benefits to time off for your safety.

No policy or practice in this Handbook is intended to establish contractual agreement or obligation to any individual employee or group of employees. These policies are not a substitute, replacement or modification of any existing federal or state laws or terms of an applicable collective bargaining agreement, nor intended to be inclusive of every policy. If the provisions of this Handbook conflict with the terms of any collective bargaining agreement, the terms of the collective bargaining agreement shall prevail.

All supervisors should review and become familiar with these policies and ensure their employees do the same. It is important to take sufficient time to read them, sign off on the receipt acknowledgement and ask for clarification if you have any questions.

The Town Manager serves as the administrator of these policies and, unless otherwise noted, the Town Manager's Office should be contacted for clarification or additional interpretation or information.

I. GENERAL TOWN POLICIES

Administration of Policies

The policies and procedures included here are subject to change without notice. The Town of Dalton reserves the right to lay off any employee whenever such action becomes necessary because of a shortage of funds, lack of work, the abolition of a position, a material change in duties or organization or for any other lawful reason. These policies and administrative procedures do not demonstrate the intent of the Town to grant employees any contractual commitment, expressed or implied.

It is the policy of the Town of Dalton that all non-contractual and non-bargaining unit employees are employed on an at-will basis. This means that neither the employee nor the Town has entered into a contract regarding the duration of an employee's employment. Employees may separate from the town voluntarily at any time. Similarly, the Town has the right to terminate an employee for any lawful reason.

Amendments to these policies and procedures shall be made by the Select Board or the Town Manager, in accordance with the Dalton Town Code. A Town Manager shall be appointed by the Select Board and shall serve as the Personnel Officer for the Town, responsible for the overall administration of the Town's personnel system.

General Authority

These policies and procedures have been developed in accordance with the authority granted by the Town of Dalton Town Code. **In the case of a conflict between the provisions of these policies and the provisions of any collective bargaining agreement or other duly authorized employment agreement, the provisions of the collective bargaining or employment agreement shall prevail.** In addition, if there is a case of conflict between the provisions of these policies and federal, state and town laws or by-laws, then the provisions of those laws and by-laws shall take precedence.

These personnel policies and procedures apply to all employees, volunteers and elected officials of the Town of Dalton, except where specifically modified by an applicable collective bargaining agreement or individual employment contract.

Definitions

“Anniversary Date” is the date of appointment as an employee of the Town.

"Appointing authority" shall mean any board or official authorized by General Law or otherwise to appoint or remove employees.

“Collective Bargaining Agreement” shall mean a contract in writing between the employer (Town of Dalton) and the authorized representative of a bargaining unit, setting forth the terms and conditions of employment.

"Compensation" shall mean the salary or wages earned by an employee by reason of service in the position, but shall not include allowances for expenses authorized and incurred as part of employment.

“Continuous Service” shall mean an employee’s continued employment with the Town, uninterrupted for more than 30 days, except for an approved leave of absence covered in this Handbook.

“Demotion” is the involuntary assignment of an employee from one classification grade to another, which has a lower maximum rate of pay.

"Department Head" shall mean the employee responsible for supervising a department’s operations and activities.

“Discrimination” is any decision that is made or action taken that is motivated by a bias because of an employee’s age, disability, gender, sex, gender identity/expression, genetics, military status, national origin or ancestry, race or color, religion, sexual orientation.

“Dismissal” is an involuntary discharge or separation from employment with the Town for cause, including delinquency, misconduct, inefficiency, or inability to perform the work of the position.

"Grade" shall mean a group of positions sufficiently similar with respect to essential functions, authority and responsibilities.

"Employee" shall mean an employee of the Town of Dalton, Massachusetts, occupying one of the positions in the classification plan:

- *Seasonal Employee.* An employee who is hired in a position for six (6) months or less and for which the period of employment begins each calendar year at approximately the same time of the year, such as summer or winter. Seasonal employees are not eligible for benefits.
- *Exempt.* Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay, in accordance with the Fair Labor Standards Act.

- *Non-exempt.* Non-exempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked in accordance with the Fair Labor Standards Act.
- *Regular Full-Time.* Employees who work a minimum of 35 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.
- *Regular Part-Time.* Employees who are regularly scheduled to work at least 20 hours per week but fewer than 35 hours per week and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the Town and are subject to the terms, conditions and limitations of each benefits program.
- *Non-benefited Part Time.* Employees who are regularly scheduled to work less than 20 hours per week and who maintain continuous employment status. No benefits are provided.
- *Temporary Full-Time.* Employees who are hired to temporarily fill a vacancy in the workforce or to assist in the completion of a specific project and who are scheduled to work the Town's full-time schedule for up to six (6) months. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary full-time employees may be eligible for certain benefits as defined in the Benefits section.
- *Temporary Part-Time.* Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 35 hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.
- *Probationary Employee.* the first six (6) months of employment for employees during which time an employee is required to demonstrate the ability to meet acceptable standards of performance prior to regular appointment to a position. Probationary employees are eligible for insurance benefits and other benefits as specified herein.
- *Non-represented or non-union employee.* An employee whose position is not covered by the terms of a collective bargaining unit.
- *Retired employee.* An individual who has retired from Town service and is receiving a retirement allowance from the Berkshire County Retirement System.

"Fair Labor Standards Act" (FLSA)". A federal law administered by the U.S. Department of Labor that establishes minimum wage, overtime pay, recordkeeping, and child labor standards for employees.

“Immediate family”. An employee’s parent, child, spouse/significant other, brother, sister, parent-in-law, or another person residing in the same household as the employee. as well as the same step relationships.

“Extended Family”. The grandparents, aunts and uncles of the employee and spouse, grandchildren, and brother-in-law, sister-in-law, daughter-in-law, son-in-law, niece or nephew.

“Grievance”. any complaint by an employee alleging that the Town has violated a specific term of these Personnel Policies and Procedures.

“Intermittent leave”. Approved leave taken in non-continuous blocks pursuant to the FMLA.

“Out of Class Pay/Temporary Promotion”. Temporary transfer of an employee into a higher-grade position.

“Pay Rate”. A specific dollar amount, expressed as either an annual rate, a weekly rate, or an hourly rate, as shown in the Town’s Compensation Plan. Unless otherwise specified, the pay rate shall be specified on an hourly basis.

“Promotion”. A transfer to a position at a higher pay.

“Reasonable Accommodation”. A modification or adjustment to a job, employment practices or work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

“Reclassification”. A change made to a position title within the Classification Plan as a result of a change in duties to be performed.

“Select Board.” The elected five-member chief executive body of the Town.

“Town”. The Town of Dalton, Massachusetts.

“Town Manager.” The chief administrative officer of the Town appointed by the Select Board.

“Lateral Transfer”. Transfer of an employee into a different position that falls within the same salary range or grade.

“Vacancy”. A position which is unfilled.

“Workday” scheduled number of hours an employee is required to work per day.

“Work Week” the customary work week for regular full-time employees shall be between 35-40 hours per week, unless otherwise specified.

II. GENERAL EMPLOYMENT PROVISIONS

Town of Dalton Affirmative Action and Equal Opportunity Statement

It is the policy of the Town of Dalton to provide equal employment opportunities without regard to race, color, religion, sex, national origin, age, disability, marital status, veteran status, sexual orientation, genetic information or any other protected characteristic under applicable law. This policy relates to all phases of employment, including, but not limited to, recruiting, employment, placement, promotion, transfer, demotion, reduction of workforce and termination, rates of pay or other forms of compensation, selection for training, the use of all facilities, and participation in all company-sponsored employee activities. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity or age limitations will be adhered to by the Town where appropriate.

Employees and applicants shall not be subjected to harassment, intimidation or any type of retaliation because they have (1) filed a complaint; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state or local law requiring equal opportunity; or (4) exercised any other legal right protected by federal, state or local law requiring equal opportunity.

It is the responsibility of each department head to ensure the affirmative implementation of these policies to avoid any discrimination in employment. All employees are expected to comply with these policies and cooperate with their implementation. Violation of these policies is a disciplinary offense.

Affirmative Action Officer. The Affirmative Action Officer has been assigned to direct the establishment and monitor the implementation of personnel procedures to guide our affirmative action program throughout the Town of Dalton. A notice explaining the Town's policy will remain posted. The Affirmative Action Officer in the Town of Dalton is the Town Manager.

Americans with Disabilities Act

It is the policy of the Town to comply with all aspects of the Americans with Disabilities Act (ADA), the Massachusetts Fair Employment Practices Law (MFEPL), and all other applicable state and local laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities. The Town's ADA Coordinator (Executive Assistant to the Town Manager and Select Board) has been designated to monitor compliance the Americans with Disabilities Act and regulations promulgated thereunder.

Reasonable Accommodation

The Town will engage in an interactive process with employees or applicants in order to provide "reasonable accommodations" to qualified individuals with a disability. "Reasonable accommodation" is a limited accommodation which allows the qualified individual with a

disability to perform the essential functions of his/her position. In accordance with the ADA, accommodations that impose an undue hardship on the Town are not considered reasonable and will not be granted. Employees who believe they need accommodation may contact the Town's ADA Coordinator or Town Manager. Upon receiving a request for accommodation, the Town will engage in a timely, good faith and interactive process with the employee or applicant to determine effective, reasonable accommodation to enable the employee or applicant to perform the essential functions of the position. The Town may require the employee or applicant to provide documentation from an appropriate health care or rehabilitation professional about the need for reasonable accommodation. The Town prohibits any form of retaliation against any employee or applicant who has been granted or who has made a good faith request for accommodation.

Outside or Conflicting Employment

No employee of the Town may engage in any type of activity or employment which conflicts with the best interests of the Town. The Town requires that employees' activities and conduct away from the job not compete with, conflict with, or compromise the Town's best interests.

An employee's outside activity or employment shall not adversely impact the employee's job performance or their ability to fulfill all responsibilities to the Town. This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by Town personnel. This prohibition extends to the unauthorized use of Town tools or equipment, and the unauthorized use or application of any confidential information or techniques. In addition, employees are prohibited from soliciting or conducting any outside business during paid working time.

III. EMPLOYMENT

Personnel Records

The Town Manager shall be responsible for ensuring the establishment of a system of personnel system management. The Treasurer shall maintain personnel records as may be required by law and necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Town Manager or Treasurer. The Town shall comply with all federal and state records management laws and regulations, including those regarding personnel files and job references.

It is the responsibility of employees to inform the Treasurer of changes in their name, address, telephone number, marital status, and person(s) to be notified in an emergency and to notify the Town and the Retirement Board of changes in their personal status to insure proper coverage in the health benefit, life insurance and retirement plans.

The Town of Dalton retains and can use records for employees and applicants through all phases of employment and as allowed under federal and state laws and regulations. When hired, the Treasurer's Office creates an employee personnel file.

All medical records from employees are kept separately from all other records.

Employee personnel files generally include: employment applications, background checks, including Form I-9; personnel action forms, related tax withholding information; commendations and awards, training records, records related to disciplinary actions (excluding documents prepared in connection with ongoing investigations); fringe benefit forms and pension and retirement enrollment and election forms.

Department heads and the Town Manager may maintain files supporting departmental personnel actions.

Employees have the right to receive a copy of any adverse records that are placed in the employee's personnel file. If an employee disagrees with any information in their personnel record, the employee may respond to the material by filing a written statement explaining their position, which shall be attached to the original document and placed in the personnel file.

Employee requests to view or obtain copies of their personnel records will be granted upon reasonable request to the Treasurer's Office during normal business hours, in accordance with Massachusetts General Laws Chapter 149, §52C.

References

References and Background Checks. Verification of reference and background information provided by candidates on application forms or resumes and in interviews normally is the responsibility of the department director if authorized by the Town Manager.

Town employees shall not provide employment references over the telephone or in writing without the approval of the Town Manager. Any employee who has been asked to provide a reference shall inform the Town Manager of such a request prior to responding to the reference request.

Selection and Appointment

The Town shall make every effort to attract and employ qualified individuals in accordance with its Equal Opportunity Policy. Individuals shall be recruited from a geographic area as wide as necessary to ensure that qualified candidates apply for various positions. The recruitment, selection and promotion of candidates and employees shall be based solely on job-related criteria as established in the position descriptions and in accordance with proper personnel practices. Department Heads have a major role in recruitment and selection of personnel. The qualifications, classification and salary range for the positions are established in accordance with the Town's Classification and Compensation Plan and any pertinent collective bargaining agreements. The Town Manager, upon the identification of a vacancy or upon the authorization of a new position, shall prepare a job vacancy notice. The job vacancy notice shall include: the job title, major duties of the position, qualifications, salary range, closing date for applications, if applicable, application instructions, and AA/EEO/ADA statement.

Notice of Vacancies/Advertising. The Town Manager and the appointing authority shall review and approve all job notices prior to advertisement and posting. Recruitment for a position shall not begin until the Town Manager has reviewed the job vacancy. Notices of vacant positions shall be circulated internally by email and posted internally for seven (7) business days on the bulletin board located at Town Hall. Vacancies shall also be posted on the Town's webpage and may be posted simultaneously on social media, trade or professional sites, and in newspapers. Qualified internal candidates may be interviewed prior to external candidates.

Position Descriptions. The position description on file shall serve as the official description of the duties of the position. The Town Manager or appointing authority shall prepare the job posting based on the official job description, grade, and current salary information.

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

The Town Manager and the appointing authority shall establish selection procedures to determine the candidate's fitness and ability to perform in the position. The Town shall provide qualified individuals with disabilities reasonable accommodations to allow them to participate in the selection process (Reasonable accommodations may include a sign language interpreter, written rather than oral responses, large print or Braille material, or an accessible location). Interviews shall be held in offices or conference rooms that are private and easily accessible to individuals with disabilities.

Background criminal checks (CORI/SORI) will only be conducted upon written authorization from the candidate after they have been offered and accepted. Said offer and acceptance shall be contingent upon completion of full background check.

Pre-Employment Physical. A pre-employment physical examination shall be required of all new regular employees to determine their capability of performing the essential functions of the position. A component of this examination shall include a pre-employment drug screen.

Application Materials. The application, reference checks, and related documents submitted to the Town shall be maintained for the period required by law. The Town shall, to the extent possible, maintain the confidentiality of the application.

Appointment. All appointments shall be made in writing by the appointing authority or designee. The written notice of appointment shall include the hourly wage or salary (grade and step), the starting date, and any conditions of employment not covered in these personnel policies. The Town Manager may adjust compensation and/or time off benefits within the approved wage and classification plan to acknowledge prior experience or qualifications.

Regular Appointment. A regular appointment indicates that an employee is to work for the Town in either a regular full or part-time capacity on a regular or continuing basis. Every employee shall serve a 6 month probationary period.

Other Appointment. If a position in Town service is a seasonal, temporary or grant-funded, the appointing authority may appoint from among the best-qualified candidates who will accept employment under these conditions.

Criminal Offender Record Inquiry (CORI)

Criminal Offender/Sexual Offender Record Information (CORI/SORI)

Where Criminal Offender Record Information (CORI) checks are part of a general background check for employment, volunteer work or licensing purposes, the following practices and procedures shall apply:

A. Conducting CORI Screening

CORI checks will only be conducted as authorized by the Massachusetts Criminal History Systems Board through its Department of Criminal Justice Information Services (DCJIS) and state law, and only after a CORI Acknowledgement Form has been completed. All new employees are required to participate in CORI screening as part of the employment offer.

B. Access to CORI

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

C. CORI Training

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

D. Use of Criminal History in Background Screening

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.

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

E. Verifying a Subject's Identity

If a criminal record is received from DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination shall be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

F. Inquiring About Criminal History

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

G. Determining Suitability

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

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

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

H. Adverse Decisions Based on CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of criminal history. The source(s) of criminal history shall also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall

also be provided with a copy of DCJIS' Information Concerning the Process for Correcting a Criminal Record.

Sexual Offender Registry Information (SORI)

The Sexual Offender Registry Board administers the Massachusetts Sexual Offender Registry. The board keeps a database of convicted sex offenders and classifies each offender so that the public may receive information about dangerous sex offenders who live or work in each community. The Town will only request SORI information after a conditional offer of employment is made to a candidate. Any individual whose relationship to the Town community or work may include close or unsupervised contact with children, people with disabilities, or the elderly shall be subject to both a CORI and a SORI check.

Pre-Placement Medical Examinations

Pre-Employment Medical Examinations. All candidates selected for employment shall be required to complete a medical examination relating to the essential functions of the position. The examination shall be at the expense of and conducted by a medical practitioner approved by the Town. The medical practitioner shall advise as to whether or not the applicant is fit to perform, with or without reasonable accommodation, all of the essential functions and/or duties of the position for which appointment has been made, or the appointing authority may withdraw the offer of employment. The medical examination report shall be maintained as a permanent part of the Town records. Police and Fire candidates will be subject to physical ability tests and any other required state examinations. A component of this examination shall include a pre-employment drug screen.

Reasons for Rejection. The appointing authority may reject any applicant who does not possess the minimum qualifications required for the position, or who filed an incomplete or fraudulent application.

Orientation and Onboarding

The Town Manager or his/her designee shall inform new employees of their rights, responsibilities, duties, and obligations during the orientation period. This orientation shall typically:

- (a) notify the new employee of a starting date, time and designated location for starting work;
- (b) Thoroughly explain all the benefits and options the employee is entitled to, assist the employee with completion of appropriate forms, and provide the employee with a copy of these personnel policies;
- (c) Provide on-site orientation regarding specific rules, regulations, policies, and procedures of the employee's assigned department including the safety policies and procedures; and

- (d) Receive from the Town Clerk a copy of MGL 268A (Conflict of Interest Law), 940 CMR 29.01-29.11 (Open Meeting Law) and complete the online conflict-of-interest training through the State Ethics Commission within thirty (30) days of commencing employment with the Town.

Probationary Period

Probationary Period. All newly appointed employees shall be required to successfully complete a six (6) month probationary period (unless otherwise defined by the employee's collective bargaining agreement), which may be extended by the number of days the employee may be absent from work or for compelling performance issues. The probationary period shall be used to help new employees effectively understand and achieve performance standards. The supervisor shall use the probationary period to observe and evaluate the employee's performance against such standards. Upon expiration of the probationary period, the supervisor shall notify the appointing authority and Town Manager that:

- (a) the employee's performance meets satisfactory standards, and the individual will be retained in the position for the remainder of the term for which they have been appointed or for an indefinite term whichever is the case; however, the employment remains on "at-will" status; or
- (b) the employee's performance requires additional observation or training and the probationary period shall be extended for a mutually agreed upon duration; or
- (c) the employee's performance was unsatisfactory, and that dismissal, reassignment or demotion is recommended.

The employee may be dismissed by the appointing authority even after the probationary period has been exhausted if it is revealed that the employee withheld information relating to their application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits or dependability which did not merit continuing the employee in the position.

A probationary employee may receive a cost-of-living increase (COLA) but will not receive a step increase until satisfactory completion of the probation period.

Temporary Assignment/Working out-of-Grade

Whenever a non-union employee in a lower classification and grade designated as an assistant is obligated to fill in for their supervisor or department head for at least one day due to illness, vacation, bereavement leave, personal leave, jury duty, reserve military duty, floating holiday, or a leave of absence, the incumbent therein shall be paid at a rate equal to Step 1 of the grade of the supervisor for the period of such absence.

Following an absence of fourteen (14) days which is expected to continue for an indefinite period, the Town Manager may recommend the appointment of said assistant to serve as acting

department head, except for the Acting Library Director, who is appointed by the Library Trustees. The salary for such a temporary appointment shall then follow the step provisions in the Employee Salary Policy until a new department head is appointed and qualified.

Promotions/Transfers

When an employee is promoted or transferred to a higher-grade position, they shall enter it at the minimum step for that position. If their existing pay is higher than the minimum step of the new position, they shall advance to the next step above their present pay. They may also receive a one-step increase at the new grade at the time of promotion, if the department head recommends, in writing, that qualifications and performance warrant the additional step, and the Town Manager approves the recommendation.

Training and Professional Development

The enhancement of job skills and abilities related to an employee's work or profession mutually benefits the Town, its citizens and the employee. For employees who are advancing their education, the Town will pay for one course per year, in an amount not to exceed \$2,000, if the employee agrees to remain employed by the Town for at least one (1) year after the completion of all coursework. Failure to remain employed for one year after completion shall result in the employee returning the payment to the Town for all payments under this section. Approved courses shall be limited to a professional association, community college, state college or equivalent at the undergraduate level, or CDL training for public works employees and must be relevant to incumbent's job description.

Payment of amounts under this section shall be contingent upon funding, approval of the department head, and shall be expended from the Town operating budget. Final approval as to the eligibility of a course for reimbursement will be made by the Town Manager. Reimbursement will be made upon the completion of the approved course. The employee must receive a passing grade of not less than a "B." Courses required for job certification shall not be eligible for reimbursement, unless covered by a collective bargaining agreement.

Resignation and Exit Interviews

An employee may resign from the Town in good standing at any time. Employees are requested to give adequate notice to allow for coverage or filling of the position, where possible. Employees who resign will be paid for accrued but unused compensatory and vacation time. Any accrued sick leave balance shall be paid out at 25% of the employee's hourly rate (see sick leave section for further information). There shall be no payout for unused personal leave.

Employees are entitled to participate in an exit interview with the Town Manager or his/her designee, which is designed to elicit information about their work experience and reason(s) for separation of employment. All exiting employees shall be provided with information about unemployment benefits and options for withdrawal or rollover of deferred compensation or OBRA funds. Exiting employees enrolled in town insurance plans will be provided with information on the continuation of these plans (COBRA).

IV. TIMEKEEPING AND PAYROLL

Equal Pay Law

The Town of Dalton complies with the Massachusetts Equal Pay Act (MEPA), which provides that “No employer shall discriminate in any way on the basis of gender in the payment of wages, or pay any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for comparable work.” The law defines “comparable work” as work that requires substantially similar skill, effort, and responsibility, and is performed under similar working conditions.

Wage and Classification Plan

The Town Manager, with the approval of the Select Board, shall establish a uniform system for the classification of positions based on similarity of duties performed and the responsibilities assumed so that the same qualifications may reasonably be required, and the same schedule of pay may be equitably applied to all positions in the same grade. This shall be called the Wage and Classification Plan. No employee may be appointed to a position not included in the Classification Plan, except for election workers, or in situations where there is a temporary, seasonal, or *ad hoc* staffing need; such a determination will be made by the Town Manager.

The Classification Plan shall cover and include all Town departments and positions in the Town service. The Town Manager shall establish classifications that relate to compensation.

Contents of the Classification Plan. The Classification Plan shall be based upon a uniform system of position descriptions and position titles including, but not limited, to the following components:

Position Descriptions. Each position shall have a written description. The description shall consist of a statement describing the purpose of the work, essential job functions and responsibilities, the required minimum knowledge, skills, training, abilities, experience and necessary special qualifications.

Position Titles. The title of the position shall be the official title of that position and shall be used for administrative purposes such as payroll, budget, financial and personnel forms and records. No person shall be appointed or promoted to any position in the Town under a title not included in the Classification Plan.

Responsibility. The Town Manager shall have primary responsibility for the administration and day-to-day maintenance of the Classification Plan.

Classification of New Positions. The appointing authority proposing the creation of a new position shall provide the Town Manager with a description of the essential functions and responsibilities, skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Town Manager to recommend an appropriate classification. Final approval of the new positions shall lie with the Select Board.

Reclassification of Positions and Periodic Reviews. Positions may be reclassified with review and approval of the Town Manager and Select Board. A department head who believes that a reporting position has changed significantly may submit a position analysis and grade review request to the Town Manager. The Town Manager may conduct the review or decline to do so but will reply to the requesting department head the rationale for the decision within 60 days. The Town Manager's decision shall be final.

Compensation Plan

The Town Manager, with the approval of the Select Board, shall annually review a Compensation Plan for the existing Classification Plan. The Compensation Plan shall be directly related to the Classification Plan and shall consider relative responsibilities between various classes, wage rates for comparable types of work, economic conditions in the labor market and fiscal policies of the Town. All employees shall be paid in accordance with the rates in the Compensation Plan.

No employee serving less than six months with satisfactory performance in their current position or whose probationary period has been extended shall be eligible for a step increase. A probationary employee may receive a cost-of-living increase (COLA) but will not receive a step increase until satisfactory completion of the probation period.

Subject to annual appropriation, it is the expectation of the Town that non-union employees with a satisfactory employment record will advance one step annually on the Compensation Plan on July 1 of each fiscal year until they attain the top step. Advancement may be delayed if an identified performance deficiency has been identified and the employee has been provided with an opportunity to correct that deficiency.

It is the expectation of the Town that it will annually review and adjust the entire compensation plan each spring to reflect a standard of living in the area for the following fiscal year, and to budget for that adjustment. The Town Manager shall have responsibility for making recommendations for adjustments and for the day-to-day administration of the Compensation Plan.

Hours of Work and Pay Period

Department Heads shall be responsible for establishing the work schedules of their departments, with the approval of the Town Manager or other appointing authority.

Town Hall shall remain open Monday through Wednesday from 8am to 5pm and Thursday from 8 a.m. to 6 p.m. Departments shall be staffed to provide coverage and customer service during these hours. These hours may be adjusted as necessary. Unless otherwise provided by a collective bargaining agreement, lunch periods are unpaid.

Pursuant to Massachusetts law, employees who work a period of more than six (6) consecutive hours shall be entitled to a thirty (30) unpaid minute meal break, during which they will be

relieved of all work duties. Employees who would like to work through a lunch break may agree to continue to work the thirty (30) minutes and be paid.

Department heads may, at their discretion, allow employees to work on a flexible schedule to meet individual concerns consistent with the requirements of the department and their position, and within the following constraints:

- Departments are to remain open according to their official schedule
- Flexible hours may not be used to accrue compensatory time; the hours represented by the flexible schedule must equal the employee's work week each week

Payroll

The regular work week begins on Monday at 7:00 a.m. and ends the following Monday at 6:59 a.m. unless otherwise specified in a collective bargaining agreement. Employees shall be paid on Thursday for the period ending the previous week. The Town reserves the right to change the payroll period. Certain employees and elected officials are paid on a less frequent basis.

Effective 7/1/2026, all employees with the exception of election workers, shall receive their pay through direct deposit of payroll at a banking institution of the employee's choice. Notification of pay shall be provided by pay advice or electronic notification of deposit, with accrual balances included.

Employee time records and time off requests shall be submitted by the department heads for approval in time for submission to the Treasurer for the preparation of payroll.

Mandatory payroll deductions shall be made depending upon the number of exemptions claimed for federal and state income taxes and retirement contributions. Optional payroll deductions are made based on employee authorization for insurance benefits programs, union dues, deferred compensation, and for other contributions as approved by the Town. Employees who have any questions about the amount or manner in which deductions are made from their paychecks should speak with the Treasurer.

Subject to applicable federal and state law, the Town may be required to retain and pay over (garnish) to a third party a portion of the employee's earnings.

The Town takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. If there is an error in the amount of pay, the employee must promptly bring the discrepancy to the attention of their supervisor and to the Treasurer so that corrections can be made as quickly as possible. This includes overpayment as well as underpayment.

Payroll earnings not covered by Social Security

Earnings paid by the Town are not covered under Social Security and employees will not pay Social Security tax on their income. Earnings from their municipal job shall not be used to

compute Social Security benefits. Earnings from the Town are subject to Medicare taxes and will count for purposes of the Medicare program. Employees shall be required to acknowledge that their earnings are not covered by Social Security upon hire.

Overtime

Payment for overtime worked by hourly non-exempt employees shall be in accordance with the Fair Labor Standards Act of 1938, as amended. Overtime work must be expressly authorized in advance by the employee's department head. Non-exempt employees shall be paid one and one-half times their regular hourly rate for hours worked beyond forty (40) in a work week. Hours worked will include an employee's actual work hours, plus vacation, sick, personal and bereavement leave.

There will be conditions that occasionally develop that will necessitate the scheduling of mandatory overtime. Employees shall be required to work overtime unless excused for good cause.

Under the FLSA, certain executive, administrative and professional employees are designated as "exempt employees" and are not eligible for overtime pay.

Fair Labor Standards Act

To be properly classified as an exempt Executive, Administrative Professional, Computer, or Highly Compensated employee under the Fair Labor Standards Act ("FLSA"), an employee must generally satisfy three tests: (1) duties; (2) minimum salary threshold; and (3) salary basis. These tests are defined at <https://www.dol.gov/agencies/whd/fact-sheets/17a-overtime>.

Compensatory and Flextime

Non-exempt non-union hourly employees who are required to work more than their scheduled hours, but less than 40 in a work week, may accrue an hour of compensatory time or one hour of regular pay for each hour worked in excess of their regular weekly schedule, up to 40 hours worked in a work week. This policy incorporates what was previously referred to as "contingency" time.

Compensatory time may be taken by non-exempt non-union employees in lieu of overtime pay, at a rate of time and one-half, only by mutual agreement of both employee and supervisor prior to overtime hours being worked. For example, an employee who works ten (10) hours of overtime will be eligible for fifteen (15) hours of compensatory time off.

If such an agreement is made, then the compensatory time shall be taken within two (2) months of being earned unless otherwise authorized by the Town Manager. Compensatory time not used within two months will be paid in overtime for the accrued time at the employee's current rate of pay. Employees shall not accrue more than forty (40) hours total of compensatory time during a fiscal year, and such time shall not roll over to a new fiscal year. An employee is eligible to be paid for any unused compensatory time upon separation or retirement.

Exempt Employees

Exempt employees do not accrue or earn compensatory time but have the opportunity to request occasional adjustment of their schedules, depending on individual and departmental needs, and with the consent of their appointing authority or department head.

Flextime

Full-time employees who have completed at least six (6) months of employment are eligible to work “flextime”, a flexible schedule that meets the Town’s operational needs. Flextime arrangements must take into consideration department workloads and seasonal impacts. Eligible employees must discuss specific arrangements with their supervisors, and receive approval from the Town Manager and Appointing Authority.

V. EMPLOYEE BENEFIT PROGRAMS**Holidays**

Eligible employees, including regular full-time and regular part-time employees, shall receive time off with pay for the following thirteen (13) holidays:

Independence Day	Labor Day
Columbus Day	Veterans Day
Thanksgiving Day	Juneteenth
Christmas Day	New Year’s Day
Martin L. King Day	Presidents’ Day
Patriots’ Day	Memorial Day
	Day After Thanksgiving**
	Floating Holiday*

Holidays shall coincide with the official observance of the holiday by the Commonwealth of Massachusetts. Holidays which occur on a Saturday shall be observed on the preceding Friday.

Eligible employees who normally are not scheduled to work on a day on which a holiday is observed may observe that holiday on a later date that has been approved by the department supervisor.

For regular part time employees that work more than 20 hours per week , payment for an observed holiday shall be pro-rated based on the hours the employee is scheduled to work.

Non-Benefited part time employees are eligible to receive 4 floating holidays per year at a time of their choosing, this shall be pro-rated based on the hours the employee is scheduled to work.

If a holiday occurs while an employee is on sick or personal leave, the employee shall receive holiday pay for that day. Sick or personal time will not be charged for the holiday.

Employees required to work on an observed holiday shall receive their regular hourly pay, for hours actually worked, in addition to the holiday pay. Alternately, in lieu of holiday pay, an employee who is required to work on a holiday may elect to observe the holiday on another day.

*Floating Holiday – The Town may grant a floating holiday when the holiday falls on a scheduled day off. The number of floating holidays will vary year-to-year and is not guaranteed.

**Day After Thanksgiving – Town Hall is closed, and use of a floating holiday is permitted. The Council on Aging and the Library are scheduled to be open but are generally closed.

Vacation

Eligible employees with at least six (6) months of continuous service shall be entitled to a paid vacation, to be taken during each fiscal year in accordance with the following schedule:

Continuous Service Completed	Paid Vacation
six months of service	one (1) week
one year of service	two (2) weeks
five years of service	three (3) weeks
ten years of service	four (4) weeks
fifteen years of service	five (5) weeks
twenty years of service	Six (6) weeks

All vacation schedules must be approved by the department head. Department heads may not unreasonably deny a request for vacation time unless it conflicts with department operational goals. At the end of any fiscal year, eligible non-represented employees shall be permitted to carry over or receive payment for up to two (2) weeks of unused vacation time, based on the employee's work week and subject to the written-approval of the department head and Town Manager. Employees who request to receive payment for any portion of vacation leave shall be compensated at their regular rate of pay in effect at the end of the fiscal year, subject to said written approval and sufficient appropriation. Any carried-over vacation leave must be used during the ensuing fiscal year or it will be forfeited. Unused vacation will be paid out on upon separation or retirement.

Sick Leave

Regular full-time and regular part-time employees shall be eligible for paid sick leave benefits. Seasonal and temporary part-time employees shall not be eligible for paid sick leave. The intent of paid sick leave is to provide salary continuation during an employee's absence due to bona fide illness or injury. While sick days are intended to cover an employee's own illness or injury, a maximum of five (5) sick days may be used for an immediate family member's illness each fiscal year. If leave beyond five (5) days is needed to care for an immediate family member, the employee may apply for leave under FMLA.

Regular Full-time employees. Regular full-time employees shall accumulate sick leave at the rate of one (1) day for each month of employment (12 days per 12-month period). Upon retirement or voluntary termination after at least one (1) year continuous service, employees

shall be compensated for each unused accumulated sick day at a rate of 25% of the employees hourly rate at the time of retirement or voluntary termination, not to exceed 100 days to be converted

Part-time employees. Regular Part-time benefited employees shall be entitled to sick leave on the same basis as full-time employees, provided, however, that such leave shall be prorated according to the employee's scheduled number of hours of work.

Notification. Sick leave will commence on the date that the employee notifies his/her department head of the employee's sickness, injury, or quarantining.

Certification of Illness/Ability to Return to Work. The Town reserves the right, after seven (7) calendar days of sick leave, to request a physician's statement, which certifies the employee's inability to perform work duties during the period of their absence. Additionally, the Town Manager may request appropriate documentation from a medical provider stating that the employee may return to work and can perform the essential functions of the employee's position before allowing the employee to return to work.

Extension of Sick Leave. Extended sick leave may, at the discretion of the Town Manager or appointing authority, be granted to an employee after all of an employee's accumulated sick leave and vacation leave have been used. The Town Manager may grant extended sick leave for any period of days with a maximum in accordance with the following schedule.

Years of Continuous Service Completed	Maximum Extended Sick Leave
One year	25 days
Five years	50 days
Ten years	75 days
Fifteen years	100 days

To be eligible for consideration for extended sick leave, an employee must provide proper documentation justifying the medical need for the requested leave.

At resignation in good standing or retirement, an employee will be compensated for their accrued sick leave hours balance, paid out at 25% of current hourly rate.

Personal Leave

Probationary Employees. Upon completion of six (6) months of continuous service, an eligible employee shall be granted two (2) days of personal leave. Upon completion of one year service, an additional two (2) days will be granted.

Non-probationary employees. At the beginning of each fiscal year, eligible employees shall be granted four (4) personal days with pay.

Seasonal, temporary part-time and non-benefited part-time employees are not eligible for personal days. Unused personal time cannot be carried over into the next fiscal year.

Bereavement Leave

Regular full-time and regular part-time employees shall be entitled to be excused from duty with pay for not more than five (5) days to attend a service and for other personal business caused by death of a member of their Immediate Family, as defined in the definitions section. For the death of a member of an employee's Extended Family, two (2) days of paid bereavement leave shall be granted. No payment shall be made for any day's absence during the bereavement period in which the employee is not regularly scheduled to work, *e.g.*, Saturday, Sunday, or holidays. Portion of unused bereavement leave may be used for probate court hearings, or will readings, as long as two (2) days advance notice is given to the employee's department head. If requested in writing, the Town Manager may grant one (1) day of bereavement leave for relatives or family members not previously listed.

Jury Leave

An eligible employee called for jury duty on days falling within the regularly scheduled work period shall be paid their normal compensation for up to three (3) days of jury service. For continued jury service after three days, employees shall be paid the amount equal to the difference between their normal compensation and the documented amount paid to them by the court.

Veterans Organization Conference Leave

An eligible employee who is a delegate or an alternate delegate to a state or national convention of a veterans' organization chartered by the Congress of the United States may, with the approval of the Town Manager and when authorized by the Select Board, attend such convention without loss of pay or vacation leave. (Massachusetts General Law Chapter 41, Section 111J)

Group Insurance and Benefits

Eligible employees may enroll in insurance plans offered by the Town upon completion of thirty (30) days of employment.

Health Insurance

All eligible employees are entitled to participate in the health insurance programs offered by the Town upon completion of thirty (30) days of employment. Eligibility shall be in accordance with these policies and M.G.L. c. 32B. Employees shall comply with notice requirements regarding dependents and selection of benefits.

Employees shall notify the Treasurer's Office of any qualifying event that would affect the employee's insurance coverage (i.e., divorce, dependent child reaching maximum age for coverage under the parent's plan, change in individual or family coverage, planned retirement, or termination). Continued medical insurance coverage is available when an employee or their dependents' status changes (see COBRA section).

The Town contributes the following amounts towards the health insurance premiums:

- 72.5% for HMO Individual or Family membership
- 75% for Retirees HMO Individual or Family membership
- 75% for Retirees MEDEX 2 or similar supplemental plan

The Town shall contribute the same dollar figure towards an indemnity plan, family or individual, premiums as it contributes towards HMO family or individual premiums.

Medicare Enrollment

Current and Retired Town Employees enrolled in the Dalton health insurance plan and their eligible family members must enroll in Medicare Part A upon attaining their 65th birthday.

Medicare Coverage Continuation after Death of Covered Spouse

The Town shall extend payment of its share of the Blue Cross Medex (supplemental Medicare) plans for sixty (60) days following the death of a covered spouse.

Dental Insurance

The Town contributes the following amounts towards the Dental Insurance premium:

- 72.5% for Individual or Family membership
- 72.5% for Retirees Individual or Family membership

Group Life Insurance

The Town contributes 99% of the premium cost for \$10,000, double indemnity employee life insurance policy for eligible employees. Upon retirement, an employee's life insurance coverage shall be \$10,000. The Town contributes 99% of the premium cost.

The Town offers group plans for supplemental whole life and critical care insurance options to employees. Employees are responsible for 100% of the cost of these premiums.

Consolidated Omnibus Budget Reconciliation Act (COBRA)

The Town shall comply with the Consolidated Omnibus Budget Reconciliation Act (COBRA), which requires employer-sponsored group medical plans to allow covered employees and their dependents to continue their current medical coverage at personal expense following a qualifying loss of coverage.

Employees enrolled in one of the Town's group health insurance plans may choose continuation coverage if the employee loses group insurance coverage because of a reduction in hours of employment or the termination of employment, for a period not to exceed 18 months.

Enrolled spouses of an employee covered by the Town's health insurance may choose continuation coverage for any of the following reasons: the death of spouse; reduction of spouse's work hours, divorce or legal separation from spouse or, spouse becomes eligible for Medicare.

Dependent child of an employee covered by the Town's health insurance may choose continuation coverage if group health coverage under the Town is lost for any of the following reasons: death of parent; parents' divorce or legal separation; a parent becomes eligible for Medicare.

Under the law, the employee or a family member has the responsibility to inform the Town of a divorce, legal separation, or a child losing dependent status under the Town's health insurance. Department heads have the responsibility to notify the Treasurer of the employee's death, termination of employment or reduction in hours. The employee is responsible for notifying the Treasurer of Medicare eligibility. The Town Treasurer is responsible for the administration of COBRA.

Deferred Compensation

The Town offers a tax deferred compensation plan (457 plan of the Internal Revenue Code) for employees. Participation in the deferred compensation plan is voluntary and any employee is eligible to participate. The Town does not contribute funds to these plans. Information regarding this benefit is available in the employee orientation packet. The plan carrier is Nationwide Mutual Insurance Company www.nationwide.com

Employee Reimbursements

Employees shall be reimbursed for expenses incurred as part of their employment duties. All expenses must be approved by the employee's department head and included in the budget. Requests for reimbursement must be submitted on a reimbursement request form documenting departmental approval, along with itemized receipts for any expenses incurred. Receipts are documents that show the items purchased, the prices, and the date. Please note that credit card approval of payment slips are not receipts, as they do not show what items were purchased and typically show a single bottom line, excluding any taxes, tips, etc.

Meal items not eligible for reimbursement by state law include sales taxes and alcoholic beverages. The cost of these and any other prohibited expenses shall be deducted from any request for reimbursement. Municipalities are exempt from sales tax. You may provide a copy of the Town's certificate of tax exemption to the merchant, which can be obtained from the accountant or treasurer. Tips for meal service shall not exceed 20%.

Employee Assistance Program

The Town is committed to supporting its employees and their family members through difficult times, through access to an Employee Assistance Program (EAP). This program provides

confidential and free referrals for:

- Legal and financial management services including financial planning, budgeting, debt management, student loans, wills and trusts, retirement.
- Short term counseling for in-the-moment issues such as stress, anxiety, depression, trauma self-care and emotional wellness
- Issues with children, relationships, family, siblings, aging parents, addiction or substance abuse, dependencies, caregiver burnout other life issues.
- Coaching for mindfulness, motivation and goal setting

The Town encourages its staff or their family members to contact and seek confidential assistance from All One Health, the Town's Employee Assistance provider. This is a free and confidential service. AllOne Health can be reached 24 hours per day, 7 days per week at (800) 451-1834.

For a current listing of benefits, please contact the Treasurer's Office. Some benefits are available only at hire and/or at open enrollment. The Town of Dalton reserves the right to right to modify, amend or terminate these benefits at any time and for any reason.

Retirement and Pension Program

All regular employees are required by law to enroll in the Berkshire County Retirement System (BCRS) www.berkshireretirement.com.

The Berkshire County Retirement System is part of the statewide retirement system for state, county, and municipal employees, as authorized by G.L. c. 32. There are no Social Security deductions from salary. Regular employees, who are employed without restriction as to the duration of employment and who are employed on a regular schedule consisting of at least 20 hours per week and whose regular salary is at least \$5,000 per year, are required to become members of the Berkshire County Retirement System. New employees make a base contribution percentage of 9%, with an additional 2% deducted for the portion of earnings over \$30,000/annually. The Berkshire County Retirement System shall be responsible for determining eligibility for their system. Employee participation, contributions and benefit eligibility are defined by the terms of the pension plan. Specific details regarding this policy may be obtained from the Town Treasurer.

An employee who participates in the pension plan is encouraged to make initial contact with the Berkshire County Retirement Board at least a year before retirement to understand all benefit options, including board timetables, the retirement process and purchase of creditable service. The first date of retirement is the **day after** the last paid day of work, not including payout of accrued time with the last paycheck.

Medicare Tax

All Town employees hired by the Town after March 31, 1986 shall be subject to deductions for Medicare tax. This deduction is currently 1.45% of the employees' salary, with the Town contributing an amount equal to the employees' deductions.

Defined Contribution Plan (OBRA)

Part-time, temporary or seasonal employees are not eligible to become members of the Berkshire County Retirement System. Pursuant to the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), and G.L. c. 32, all employees who are not members of the Berkshire County Retirement System are required to contribute to an alternative Defined Contribution Plan and have a minimum deduction of 7.5% of pay towards that plan. These funds can be withdrawn or rolled over into a different plan upon separation or retirement. The Town of Dalton's OBRA provider is Empower Retirement (www.empowerretirement.com)

Distribution/Withdrawals. Payroll deductions for the retirement plan are tax deferred until the employee receives funds from the plan. At the time of retirement or termination, the employee is eligible to receive a pension or return of their contributions, depending upon the employee's status in the system. Employees anticipating a change in employment status should contact the Treasurer. Forms for withdrawal of funds from either plan are available from the Town Treasurer.

VI. LEAVES OF ABSENCE

Family and Medical Leave Act

The Town will grant leave in accordance with the Family and Medical Leave Act (FMLA). Any terms not specifically defined in this policy shall follow the definitions set out in the language of the FMLA. For more information on FMLA, contact the Treasurer or the federal government fact sheets at <https://www.dol.gov/agencies/whd/fmla>

The FMLA provides that the Town may grant up to twelve (12) weeks of leave during a 12-month period to eligible employees. "Twelve-month period" shall mean "rolling period" measured backward from the date an employee uses any leave under this policy. An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

In order to be eligible to take leave under the Family and Medical Leave Act (FMLA), an employee must have worked for the Town for at least twelve (12) months and provided at least 1,250 hours of service during the twelve (12) month period before the leave is to commence.

Eligible employees may take leave under the FMLA for the following reasons:

1. The birth of a child or placement of a child for adoption or foster care.
2. To bond with a child (leave must be taken within one year of the child's birth or placement).
3. To care for the employee's spouse, child, or parent who has a qualifying serious health condition.
4. For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job.
5. For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

Any eligible employee that is absent due to illness or injury for more than ten (10) consecutive days or plans to be absent for more than ten (10) days is encouraged to contact their department head or the Treasurer for information on how to initiate the FMLA application process.

Employees may take FMLA leave on an intermittent basis or reduced work schedule.

While an employee is on FMLA leave, the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. The employee is responsible for arranging with the Treasurer to pay the employee share of all insurance benefits during the FMLA.

Upon return from FMLA leave, employees are entitled to be restored to the same position that the employee held when the leave started, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment, provided the employee returns to work as required under this policy.

Employees are required to substitute any accrued but unused vacation time and personal leave for unpaid FMLA Leave. Accrued sick leave shall also be used when FMLA leave is taken to care for the employee's own serious health condition. The use of paid time off shall run concurrently with FMLA leave and may not be used to extend the 12 or 26 weeks (whichever is applicable) of the FMLA leave period. Upon depletion of available paid leave, FMLA leave becomes unpaid leave. FMLA eligibility renews over a 12 month "rolling" period, measured backward from the date an employee uses any family and medical leave.

Notice, Certification and Return from Leave. Employees are requested to notify the Town manager and department head thirty (30) days in advance of their intent to use FMLA Leave. If it is not possible to give 30 days' notice, the employee must notify the Town Manager as soon as possible.

Employees must provide medical certification of the need to take FMLA and for the expected duration of the medical leave, for themselves or to care for a family member. The Town may require a certification or periodic recertification supporting the need for leave. If the Town determines that the certification is incomplete, the Town will provide a written notice indicating what additional information is required. The employee will be required to report periodically to the Town on his or her status and intent to return to work and the date when the return can be expected, if known.

Employees on FMLA leave due to their own serious health condition must submit certification from the health care provider that the employee is able to resume work, i.e.; is fit for duty, and may be required to attend a fit-for-duty medical examination before they can return to work.

Military Leave

Any employee called to active duty in the armed forces of the government has rights to military leave of absence under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Additional Information on USERRA rights can be found online at the U.S. Department of Labor website: <https://www.dol.gov/agencies/vets/programs/userra/USERRA-Pocket-Guide>

Employees of the Town shall be entitled to a leave of absence during the time of the employee's compulsory services in the armed forces of the United States, or during compulsory training or annual tours of duty not exceeding forty (40) calendar days in accordance with the provisions of G.L. c. 33, Section 59 as members of reserve components of the armed forces of the United States. The employee shall receive their ordinary remuneration or military pay while on annual tour of duty per federal fiscal year, whichever is greater. Ordinary pay consists of an employee's base rate, plus shift differential, and career incentive if eligible. Employees shall not lose and may continue to earn any seniority or previously accrued vacation leave, sick leave, personal leave, compensation time or earned overtime.

Employees must provide a copy of their military orders to the Town Manager to be eligible for leave under this section.

Small Necessities Leave

Pursuant to the Massachusetts Small Necessities Leave Act (SNLA), in addition to leave to which they may be entitled under the FMLA, eligible employees shall be entitled to 24 hours of unpaid leave during a rolling 12-month period, measured backwards from the first date of leave, for any of the following purposes:

1. To participate in educational activities of their children;
2. To take a child to a routine medical appointment; or
3. To accompany an elderly relative to a routine medical appointment or to appointments for other professional services related to the elder's care.

Employees are requested to give seven (7) days' notice before the date the leave is to begin. If the need for the leave is unforeseeable, the employee must give as much notice as possible under the circumstances. Employees may choose to substitute paid vacation, personal, or sick leave for any SNLA-qualifying leave. SNLA leave may be taken intermittently or on a reduced work schedule where necessary. For more information, contact the Treasurer or Town Manager.

Parental Leave

In accordance with the Massachusetts Parental Leave Act, G.L. c. 149, §105D, eligible employees may take parental leave for the birth of their child or to care for their newborn child; or the placement of a child with them for adoption or foster care. To be eligible for Parental Leave, an employee must have completed three (3) consecutive months of full-time employment with the Town. Parental Leave under the Parental Leave Act shall run concurrently with any eligible FMLA leave.

Employees may take up to eight (8) months of unpaid parental leave in a 12-month period for the birth of a child or placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption with the employee who is adopting or intending to adopt the child or for the placement of a child with an employee pursuant to a court order. An employee who has either had multiple births or adopts more than one (1) child at the same time shall be entitled to three (3) months of leave for each child. If two spouses or domestic partners work for the Town, they can take a combined total of sixteen (16) months of parental leave.

Employees requesting parental leave must give at least two (2) weeks' advance notice of the anticipated date of departure and the intention to return to work to their supervisors. Employees who are unable to provide at least two (2) weeks advance notice of their need for leave (for example, because of a change in circumstances or a medical emergency) must notify their supervisors as soon as practicable.

Parental leave can be taken all at once or, under certain circumstances, on an intermittent or reduced leave schedule. Intermittent leave is parental leave taken in separate blocks of time. A parental leave reduced leave schedule is a work schedule that reduces employees' usual number of working hours per workday or workweek. Employees will be informed whether they can take intermittent leave or a reduced leave schedule when they apply for parental leave.

Employees who request intermittent leave or a reduced leave schedule must arrange medical treatments and appointments to minimize work disruptions. The Town can transfer such employees temporarily to positions that permit them to take intermittent leave or reduced leave schedules with limited work interruptions.

Employees accrue or earn holiday pay, vacation, sick and personal time during parental leave. The employee may elect to use paid time off for the purpose of continuing wages. If using paid time off, the employee shall use sick leave first, then vacation and personal time when or if paid sick leave is exhausted.

Employees are responsible for arrangement of all health insurance premium payments while they are on parental leave with the Treasurer. Employees who do not return to work from parental leave and those who lose coverage due to nonpayment of premium copayments can continue their group health insurance coverage under COBRA.

Employees who return from parental leave will be reinstated to their former positions or to positions with equivalent pay, benefits and other employment terms and conditions. Taking parental leave does not count as a break in service for pension or retirement plan purposes.

Pregnant Workers Fairness Act

The Massachusetts Pregnant Workers Fairness Act requires employers to reasonably accommodate employees due to pregnancy and/or pregnancy related conditions, including but not limited to, lactation or the need to express breast milk for a nursing child. It is the Town of Dalton's policy to comply with all federal and state laws concerning the employment of a pregnant person and persons with conditions related to pregnancy.

It is the Town of Dalton's policy not to discriminate against pregnant employees or those persons with conditions related to pregnancies as defined under state and federal law with regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

The Town of Dalton will accommodate pregnant individuals and those with pregnancy-related conditions as defined under state or federal law if the accommodation is reasonable and does not impose an undue hardship and if the individual can, either with or without the accommodation, perform the essential functions of their position. Individuals seeking accommodation should contact the ADA Coordinator or Town Manager.

Any pregnant applicant or applicant with a pregnancy-related condition who can perform the essential functions of a job with or without reasonable accommodation, without undue hardship, will be given the same consideration for that position as any other applicant. The Town Manager is responsible for implementing this policy, including the resolution of reasonable accommodation, safety, and undue hardship issues.

Domestic Violence Leave

Employees are entitled to up to fifteen (15) days of unpaid leave from work in any 12-month period if, as defined by applicable law: (i) the employee, or a family member of the employee, is a victim of abusive behavior; (ii) the employee is using the leave from work to: seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and (iii) the employee is not the perpetrator of the abusive behavior against such employee's family member.

Except in cases of imminent danger to health or safety, an employee seeking leave from work under this policy must provide the Town with appropriate advance notice of the leave.

An employee may satisfy this documentation requirement by providing any of the following documents:

1. A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.
2. A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

Information related to the employee's leave under this policy will be kept confidential and will not be disclosed, except to the extent that disclosure is: (i) requested or consented to, in writing, by the employee; (ii) ordered to be released by a court of competent jurisdiction; (iii) otherwise required by applicable federal or state law; (iv) required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or (v) necessary to protect the safety of the employee or others employed at the workplace.

The taking of leave under this policy will not result in the loss of any employment benefit accrued prior to the date on which the leave taken under this policy commenced. Upon the employee's return from such leave to the extent required by applicable law, the employee will be entitled to restoration to the employee's original job or to an equivalent position.

Statutory Leaves

The Town of Dalton agrees to abide by the Domestic Family Medical Leave Act, the Violence Leave Act, the Massachusetts Paid Family Medical Leave Act, the Family and Medical Leave Act, and the Small Necessities Leave Act. These statutes are located in the Town Manager's office.

Unpaid Leave of Absence

Upon recommendation by the Town Manager, a leave of absence without pay and not exceeding one year in duration may be granted by the Select Board to any employee with at least one (1) year of continuous service with the Town.

The employee shall not accumulate seniority during the leave of absence and must promptly return to work following the expiration of the leave of absence or the employee will be considered to have voluntarily terminated employment with the Town of Dalton.

Upon returning to work, the employee's seniority date shall be adjusted based on the term of the leave of absence. No more than one leave of absence may be granted to an employee in any five-year period.

During the leave of absence, the employee may retain Group Life and Health Insurance coverage in effect at the time the leave of absence was requested by paying to the Treasurer, in advance and by the 20th of each month, the full costs of the required premiums (both the employee and employer shares).

VII. WORK CONDITIONS AND HOURS OF WORK

Whistleblower Policy

It is the policy of the Town to comply with all aspects of the Massachusetts Whistleblower Protection Act G.L. c. 149, 185. This policy is designed specifically to protect such conduct and provide such remedies as are set forth in the Act.

It is the practice of the town:

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

The Town of Dalton encourages the reporting of improper governmental action taken by any town officers or employees, and the reporting of retaliatory actions for such reporting. The Town encourages initial reporting to the Town Manager to allow for expeditious resolution of all such matters and to minimize any adverse impacts of improper action. If the Town Manager is the subject of an employee's concern, then the reporting shall be done by the employee to the chair of the Select Board.

Remote Work

The Town of Dalton, at the sole discretion of the Town Manager, may permit remote work to provide occasional flexibility and work-life balance options for employees. The goal of remote work is to provide continued work productivity for employees by telecommuting on occasional basis. Most remote work arrangements will be limited to one or two days per week and not every employee will be eligible to work remotely due to operational needs, the employee's particular job responsibilities or work productivity. Remote work is not an employee entitlement but is an alternate means of serving the needs of the town outside of the office.

Participation in remote work will not change the terms or conditions of an employee's employment with the Town. Any decision regarding eligibility shall be at the sole discretion of the Town Manager. The Town may cancel or suspend remote work arrangements at any time, for

any reason, and may require an employee to be present in the office at any time. The option to work remotely requires the approval of the employee's department head and the Town Manager.

An employee may be eligible for remote work only if all of the following circumstances are satisfied:

- The job does not require a supervisor to be present to monitor work;
- The position does not require regular in-person interface with the public or other staff;
- Work can be completed without diminishing quality or disrupting the productivity of work unit and without access to materials or information available only at the worksite; and
- The employee demonstrates responsibility and dependability.

Employees working remotely are required to remain accessible and productive during scheduled work hours, work their full schedule, attend and participate in all meetings remotely, respond promptly to emails and phone calls, maintain a professional appearance and follow all other own policies and procedures.

The employee will propose and establish a workspace for remote work. The area should be free from safety hazards and suitable for the work being performed without distractions. The employee will use Town-issued or approved equipment for remote work. Employees are responsible for missing or damaged Town equipment.

The security and sensitivity of information accessed remotely by an employee must be maintained in accordance with the Town's policies and procedures on security and confidentiality. Failure to comply with security policies and procedures will result in discipline, up to and including termination.

Employees interested in working remotely must initiate a conversation with their department head. Department heads shall review requests for remote work and determine if operational needs and the highest level of public service can be maintained through remote work. Department heads shall also set clear expectations and guidelines for employees' performance expectations and diligently monitor remote work and communicate effectively with employees regarding their performance and duties.

If the department head agrees with the request, a written request and acknowledgment of understanding of the remote work procedure and an inventory list of equipment required for remote work will be submitted to the Town Manager. The Town Manager will review the request and determine whether to allow the request and, if so, under what conditions.

Separation Policy

Eligibility for employment benefits, excluding insurance, shall terminate at the end of an employee's final pay period. Health insurance coverage shall terminate at the end of the current premium period.

Unemployment

In the event of separation or temporary layoffs, employees will be provided with information related to filing a claim for unemployment benefits with the Massachusetts Department of Unemployment Assistance (DUA). <https://www.mass.gov/orgs/departments-of-unemployment-assistance>.

The state agency will determine whether or not a claimant is entitled to receive benefits according to current law and the individual circumstances of the separation.

Permanent Layoff and Temporary Layoff Policy

Whenever there is a lack of work or funds requiring a reduction in the number of employees, the Town will determine whether to impose layoffs. Employees designated for layoff shall be given a minimum of two (2) weeks' notice. Notice of any existing vacancies will be included with the notice of layoff. Qualified employees who have been laid off shall continue to receive vacancy notifications and be given preferred consideration for vacant positions for the 2-year period following the layoff. Eligibility for benefits, excluding health insurance, shall terminate at the end of the employee's final pay period. Health insurance coverage shall terminate at the end of the current premium period except as provided by provisions of Massachusetts General Law.

Temporary layoff may occur for a period not expected to exceed 90 days due to lack of funds, emergencies or events beyond the control of the Town. In this circumstance, during the term of the temporary layoff:

- the employee shall continue to accumulate seniority.
- may elect to use accrued vacation to cover lost wages.
- shall not be eligible for any holiday, sick or personal day pay.
- may retain insurance benefits coverage in effect at the time of lay-off by paying to the Treasurer, in advance and by the 20th of each month, the employee contribution toward the costs of the required premiums. The Town shall continue to pay its contribution towards these costs.

A temporarily laid-off employee who fails to return to work within two weeks of being recalled shall be considered to have voluntarily terminated employment with the Town of Dalton. Upon written request by the laid-off employee, the Town Manager may extend this period to a mutually agreeable time.

Severe Weather and Unexpected Emergencies

The Town Manager or Select Board has authorization to close non-essential Town offices due to severe weather or unexpected emergencies.

When a partial or full-day closing is authorized, all non-essential employees scheduled to work shall be given administrative leave and are compensated at their regular rate of pay for hours scheduled. All essential personnel are to report to work as scheduled, unless otherwise instructed

by their department head. Employees who are already on pre-scheduled leave will be charged with the leave as scheduled. For example, an employee on a week-long vacation will continue to be charged vacation even if town offices are closed on a day during the vacation.

Modifications to normal operations shall be announced as early as possible through email, text messages or telephone calls to employees.

When an emergency closing has not been declared, employees who do not report to work because of inclement weather have the option of taking vacation, personal leave, or in the case of non-exempt employees, leave without pay. Employees are urged to use their own discretion in deciding whether they can safely get to work and are responsible for notifying their supervisor within the first hour of the workday. If direct contact is not possible, leaving a detailed voice mail message or message with another employee is acceptable. Employees must provide a phone number where they can be reached.

If severe weather conditions develop during working hours, department heads can allow their nonessential employees to leave work early, upon approval of the Town Manager.

VIII. WORKPLACE SAFETY

The Town shall provide and maintain safe working conditions. The Town has implemented a variety of policies designed to ensure a safe and healthy workplace. Employees are expected to always act with the utmost regard for the safety and health of their co-workers and themselves. Failure to comply with the Town's safety and health policies can result in disciplinary action, up to and including termination of employment.

As appropriate, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished.

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

- (a) Each employee shall: observe all safety rules, operating procedures, and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems; report all accidents promptly to the appropriate supervisor.
- (b) Attend and participate in all safety training and audits.

Disciplinary Action. Employees violating safety rules, practices and policies may be subject to disciplinary action.

Occupational Safety and Health Act Compliance (OSHA)

The Town of Dalton complies with all applicable health and safety laws, including Massachusetts General Laws Chapter 149, §6½ and 454 CMR 25.00, which apply Federal Occupational Safety & Health Administration (OSHA) standards to Massachusetts municipal workplaces. The Occupational Safety and Health Act and state workers' compensation laws require employers to keep records and reports of illnesses and injuries on the job. All accidents, regardless of their severity, shall be reported immediately to the Town Manager.

Light Duty

Employees who are able to perform light duty within reasonable medical restrictions, as certified by a health care provider, may be required to do so at the discretion of the Town Manager in consultation with the employee's department head. This policy shall not supersede the provisions of any collective bargaining agreement.

Tobacco-Free Workplace

The Town of Dalton is a smoke-free and tobacco-free environment in and around Town-owned and operated buildings. All municipal vehicles and municipal worksites are smoke and tobacco free. Prohibited tobacco products include but are not limited to cigarettes, cigars, chewing tobacco, pipe tobacco, snuff, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization.

Employees shall not utilize any tobacco products:

1. In or within 100 feet of any Town-owned or Town-operated building;
2. At any Town worksite or Town work location; or
3. In any vehicle used by the Town for town business.

Complaint Procedure. Any employee who is being exposed to tobacco in the workplace is encouraged to remind their coworker(s) about Dalton's tobacco free policy. If the tobacco use continues, the employee(s) should contact their department head about the policy violation.

Sanctions. Any employee who violates this policy shall be offered addiction counseling services for the first offense. Subsequent offenses are subject to disciplinary action, up to and including termination of employment.

Workers' Compensation

The Town of Dalton is committed to providing a work environment that is safe for all employees. If a work-related injury occurs, the following procedures must be followed to ensure compliance with applicable laws. This policy applies to all Town employees, excluding public safety employees (full-time police officers).

The first priority after an accident or injury is to assure that the employee involved receives the first aid that is necessary. If medically appropriate, 911 should be called immediately. Employees with life-threatening work-related injuries should be taken to the nearest emergency room.

Reporting. An employee injured on the job must report the injury to their supervisor immediately and complete an accident report as soon as possible. Accident reports must be submitted to the Treasurer with a copy to the Town Manager within 24 hours unless the incident caused loss of consciousness, death or dismemberment; in that case, reporting should be done as soon as practicable. If the employee is unable to complete the accident report due to the injury, the employee's supervisor shall be responsible for filling out the accident report and submitting it to the Treasurer. The Treasurer will not be able to process workers' compensation claims or lost wages without an accident report. A Supervisor's report of injury, including statements by witnesses, shall also be submitted.

If an employee is absent five (5) days due to a work-related accident, the employee will be placed on worker's compensation benefits in accordance with MGL Ch. 152. The five (5) days will be paid out of the employee's accrued sick leave benefit unless and until the workers compensation insurance carrier has accepted the claim as work related, at which time those five (5) days will be reinstated to the employee's leave balance.

In accordance with MGL Chapter 152, the employee may supplement their regular weekly workers' compensation wage with accrued benefit leave (sick, vacation, personal time), up to, but not exceeding, typical weekly wages.

Employees shall not engage in any other employment or occupation while on paid sick leave, Workers' Compensation leave.

Workplace Violence

The Town is committed to providing a work environment free from workplace violence. The Town will not tolerate acts of violence committed by or against employees or members of the public on town property, or during the performance of town business, regardless of location.

The Town promotes a standard that:

- (a) encourages and fosters a workplace that is characterized by respect and healthy conflict resolution;
- (b) reduces the potential for violence in and around the workplace;
- (c) mitigates the negative consequences for employees who experience or encounter violence in the workplace; and
- (d) and ensures that appropriate resources are available to employees who may be victims of workplace violence.

The Town is committed to working with its employees to maintain a workplace that promotes a safe environment and is free from violence, threats of violence, harassment, intimidation, and other disruptive or aggressive behavior.

For the purposes of this policy, “workplace” is defined as:

- Any Town-owned or leased property, or any property under the Town’s control;
- Any location where Town business is conducted; or
- Any vehicle being used for Town business

In addition, workplace violence can occur at any location if the violence has resulted from an act or decision made while conducting Town business.

Violence, threats, harassment, intimidation, and other disruptive or aggressive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

For the purposes of this policy, the word “violence” shall mean an act or behavior that is:

- physically injurious or abusive;
- likely to result in harm or threats of harm to persons or property;
- perceived threat to harm another individual or in any other way endanger the safety of the individual;
- carrying or displaying weapons, destroying property, or throwing objects in a threatening manner; or
- communicated or perceived threat to destroy property.

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

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

Weapons in the Workplace

The Town prohibits the possession or use of dangerous weapons at the workplace. All Town employees are subject to this policy, including independent contractors and temporary

employees. Police Department personnel and other employees who are authorized to carry weapons as part of their job function are excluded from this policy.

“Dangerous weapons” include firearms, explosives, knives, and other weapons that might be considered dangerous or that could cause harm.

Possession or use of a weapon in the workplace is prohibited whether or not the employee is licensed to carry the weapon. Use of other objects by employees, such as, but not limited to, pocketknives, razors, hammers, etc., in a dangerous or potentially dangerous manner shall also be prohibited.

Department heads and supervisors are responsible for receiving reports of dangerous weapons or incidents of violence in the workplace, assessing situations, making judgments as appropriate responses, responding to reports of dangerous weapons or workplace violence, and initiating the investigation process. Department heads shall submit all reports to the Town Manager.

To the extent the Town is in compliance with federal and state laws, the Town reserves the right at any time and at its discretion to search all Town-owned or leased vehicles and all vehicles, plus packages, containers, etc., entering its property, for the purpose of determining whether any weapon is being, or has been, brought onto its property or premises in violation of this policy.

IX. EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

Employee Standards of Conduct and Conflict of Interest

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times. All employees are expected to conduct themselves and Town business in a manner that reflects the highest standards of ethical conduct, and in accordance with all federal, state and local laws and regulations.

This includes, but is not limited to, treating residents and other employees in a courteous, respectful and professional manner, performing job assignments punctually, efficiently professionally and in cooperation with coworkers and supervisors.

Employees have an obligation to be present at work at required and to be absent only with proper authorization, to carry out their duties in an efficient, polite and competent manner, to maintain specified standards of performance, to comply with reasonable employer instructions on policies to work as directed, to respect the privacy of individuals and use confidential information only for the purposes for which it was intended.

Failure to conduct oneself in a manner consistent with this policy may result in disciplinary action, up to and including termination of employment.

Town employees are prohibited from engaging in any conduct that could reflect unfavorably upon the Town. Town employees shall avoid any actions that may result in or create the

impression of using public office for private gain, giving preferential treatment to any person, or failing to remain impartial in conducting Town business.

Receipt of Gifts. Employees are prohibited from soliciting any gift, gratuity, favor, entertainment, loan or any other item of monetary value from any person who is seeking to obtain business with the Town, or from any person within or outside the Town employment whose interests may be affected by the employee's performance or non-performance of official duties. In all matters relative to receiving or accepting gifts, employees shall refer to, and abide by, the relevant provisions of the Massachusetts Conflict of Interest Law, G.L. c. 268A.

Conflict of Interest. In accordance with G.L. c. 268A, no employee shall maintain an outside business or financial interest or engage in any outside business or financial activity which interferes with their ability to fully perform their job responsibilities or furnish products, materials, or services to the Town.

Training. Ethics training and testing shall be required of all employees within (30) days of commencing employment with the Town, and every two (2) years thereafter. Proof of completion shall be furnished upon request by the employee to the Town Clerk. See Commonwealth of Massachusetts MGL 268A on Ethics and for the training, visit <https://massethicstraining.skillburst.com/user/index.php>

Prohibited Employment Relationships. The hiring of relatives is prohibited if their employment results in creating a supervisor/subordinate relationship between the relative and the employee. If a direct supervisory or managerial relationship were established, relatives of a currently employed worker cannot be considered as applicants for an open position. The Town will not consider hiring an employee's relative if doing so would result in an actual conflict of interest or the appearance of a conflict of interest. This also prohibits the hiring or employing of an employee's relatives in any position that has an auditing or management relationship to the employee's job.

Definition of Relatives. For the purposes of this policy, relatives include a spouse, parent, child, sibling, in-law, grandparent, grandchild, aunt, uncle, cousin, step-relative, or any individual with whom an employee has a close personal relationship, such as a former spouse, domestic partner, co-habitant, or significant other.

Changes in Relationships. Employees who marry or establish a close personal relationship can continue in their current positions as long as a prohibited employment relationship is not created. If one of the prohibited situations does occur, the Town will attempt to find another suitable position to which one of the employees can transfer. If that is not feasible, the employees are permitted to determine which of them resign. If neither employee does not resign, the Town reserves the right to determine which party will be discharged.

Reporting. Employees who become subject to this policy's provisions due to marriage or the beginning of a close, personal relationship must promptly notify their supervisor and the Town Manager. All decisions and personnel actions taken because of this policy must be reviewed and approved by the Town Manager.

Drug and Alcohol Policy

I. Drug-Free Workplace Policy

This Policy outlines prohibited workplace conduct with respect to controlled substances and alcohol. This Policy complies with the Town's obligations under the federal Drug-Free Workplace Act, 41 U.S.C. § 8101, et seq.

This Policy applies to all employees of the Town, including elected and appointed officials, with the exception of the Dalton Police Dept sworn Law Enforcement Officers who are governed under the Police Department Policy on drug and Alcohol use.

It is Town's policy to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of controlled substances is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently. Although certain uses of marijuana have been legalized in the Commonwealth of Massachusetts, this policy and the following procedures apply to marijuana use.

- A. The following is prohibited:
 - a. The non-prescriptive use of controlled substances or marijuana.
 - b. Any sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances or marijuana, except, in the case of marijuana, where authorized by law.
 - c. On-the-job consumption of controlled substances, marijuana (with or without prescription) or alcohol, whether on Town property, or at any other worksite where employees may be assigned, or elsewhere during work hours.
 - d. The non-prescriptive use of controlled substances or marijuana, or any use of alcohol on non-working time, to the extent that such use: (i) impairs an employee's ability to perform his/her job; (ii) adversely impacts the safety of the employee or others; (iii) or affects the reputation of the Town to the general public or otherwise threatens its integrity.
- B. Employees who are convicted of substance-related violations under state or federal law in the workplace, including alcohol or marijuana related violations, or who plead guilty or *nolo contendere* to such charges, must inform their department head or appointing authority within five (5) days of such conviction or plea. Department heads or appointing authorities shall immediately notify the chair of the Town's Board of Selectmen
- C. Employees who are convicted or who plead guilty or *nolo contendere* to such drug-related violations, or are found to have consumed or be impaired by controlled substances, marijuana or alcohol while on-duty, may be required to successfully complete a substance abuse or similar program as a condition of continued employment or re-employment with the Town.

- D. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act.

The Town recognizes drug and alcohol dependency as an illness and a major public health problem. To that end, the Town encourages affected individuals to voluntarily seek medical help. Employees who wish to obtain help in dealing with such problems may contact the contact the Town Manager for a referral to the Town's Employee Assistance Program. The Town may independently refer an employee to the Employee Assistance Program or other substance use/abuse counseling agency or program for help, particularly where there is a pattern of deteriorating job performance or excessive absenteeism of the employee associated with substance use/abuse.

Substance use/abuse, however, does not relieve an employee of job performance standards and obligations. Violations of any and all provisions of this Policy may result in disciplinary action, up to and including termination from employment.

II. Omnibus Transportation Employee Testing Act of 1991

Pursuant to federal regulations promulgated by the Department of Transportation (DOT) under the 1991 Omnibus Transportation Employee Testing Act and 49 C.F.R Part 40 §40.87, certain Town employees are subject to additional drug and alcohol testing requirements. It is the Town's policy to comply fully with these regulations.

1. Covered Employees

The DOT regulation, found at 49 CFR §382.101 *et seq.*, and 49 CFR Part 40 §40.87 apply to all Town employees who repair, operate Town-contracted vehicles while in or out of service, or control the movement of vehicles, which includes dispatchers and supervisors. Vehicle operators of COA vans on loan from the Berkshire Regional Transit Authority, their supervisors and dispatchers who are charged with special transportation to the elderly and disabled through the Council on Aging Transportation program are included. Also, operators with commercial driver's licenses (CDL) who also operate commercial motor vehicles, such as road repair and maintenance crews, sanitation operators, and drivers with restricted-use CDLs. This includes, but is not limited to: those drivers who are casual, intermittent, or occasional drivers; and independent, owner-operator contractors who are either directly or employed by or under lease to the Town, who operate a commercial motor vehicle at the direction of or with the consent of the Town. Regarding drivers use by the Town more than once a year, but not "employed" by the Town, such as snowplow drivers, these drivers must participate in an alcohol and controlled substances testing program that meets the testing requirements of the regulation every six months.

2. Prohibited Conduct

1. All covered employees are prohibited from reporting for duty or remaining on duty at any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds set forth in 49 CFR Part 40, Section 40.87.

2. No covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
3. No covered employee shall use alcohol while performing safety-sensitive functions or within four (4) hours prior to performing a safety sensitive function.
4. No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. All employees are prohibited from using, possessing, selling, attempting to sell, distributing, purchasing, attempting to purchase, conveying, cultivating, or manufacturing illegal drugs while on duty or on Town property.
6. The misuse or abuse of legally prescribed or over-the –counter drugs or the use of illegally obtained prescription drugs shall be considered prohibited conduct. This prohibition includes the use of prescribed medication to an individual other than the employee.

The following shall constitute a violation of the Town’s policy and be treated in the same manner as a positive test:

- A refusal to submit to a required controlled substance or alcohol test;
- Inability to provide a urine specimen or failure to provide a sufficient amount of urine without a reasonable medical explanation;
- Failure to report to the collection site at the time specified;
- Failing or refusing to remain at the testing site until the testing process is complete; or failure or refusal to cooperate during any portion of the testing process.

A. Types of Testing Required

The following tests are required under the regulations:

1. Pre-Employment Testing for Controlled Substances

All applicants for employment in covered positions, or candidates for transfer or promotion to such positions, as well as those covered employees returning from layoff, are subject to screening for use of controlled substances.

All applicants who test positive for drugs will not be offered employment with the Town of Dalton.

All employees who have not been enrolled in a random testing pool or have performed safety-sensitive duties for a period of 90 days will be subject to pre-employment testing resulting in negative results for drugs and/or 0.02 blood/alcohol concentration prior to resuming safety-sensitive duties.

The Town will include in its pre-employment physical drug test for CDL drivers, public safety officers, Communications (Dispatch) employees, and any employee who drives a town-owned vehicle, a test for all federally controlled substances, including cannabis. The Town will not include in its pre-employment physical drug test a test for the presence of cannabis for employees who are not required to have a CDL or are not public safety officers. All employees and future employees are reminded that being under the influence of any drug, including alcohol and cannabis, while working is grounds for discipline, up to and including termination. (*Oct. 23, 2023*)

2. Post-Accident

All covered employees shall be tested for alcohol and drugs after accidents involving safety-sensitive vehicles where a citation for a moving traffic violation AND either: (1) the vehicle is towed from the scene; or (2) an individual is medically evacuated from the scene, or there is a fatality, even if the driver is not cited for a moving traffic violation. Tests for alcohol use shall be conducted within 2 hours, but in no case more than 8 hours of the accident, while tests for controlled substances shall be conducted within 32 hours of the accident. Testing will not precede medical attention. Employees must refrain from all alcohol and controlled substances use until the test is complete. Employees are obligated to cooperate in such testing or will be deemed to have refused. It is the employee's responsibility to make him/herself available for testing. The employee will be accompanied to/from the testing site by a Town of Dalton employee/supervisor.

3. Reasonable Suspicion

An employee shall be tested when a trained supervisor or manager observes behavior, speech, appearance, or odor that leads to a reasonable suspicion that the employee has engaged in prohibited conduct or has been or is using controlled substances without a doctor's prescription. In the case of alcohol use, the observation shall be made during, preceding or after the workday. No such limitations are placed on observations for impermissible use of controlled substances. Tests for alcohol use shall be conducted within two (2) hours, but in no case more than eight (8) hours after the observation is made.

4. Random

Employees shall be selected and tested for the use of alcohol and controlled substances on a random, unannounced basis just before, during or after performance of safety sensitive functions for alcohol or at any time for controlled substances. Each year, the number of random alcohol tests conducted by the Town must equal at least 25% of all covered employees. Random drug tests conducted by the Town must equal at least 50% of all covered employees. These percentages are subject to modification based upon future amendments to the application federal regulations (e.g., 49 C.F.R. §382.805). Council on Aging van drivers are enrolled in the BTM driving pool.

5. Return to Duty and Follow-Up*

An employee who has violated the prohibited alcohol or drug standards shall be tested for alcohol and/or drug use prior to his/her return to performing safety sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first 12 months after an employee

returns to duty. Follow-up testing may be extended for up to 60 months following the return to duty.

*Note: Employees who have voluntarily requested assistance with drug or alcohol dependency prior to random testing selection or reasonable suspicion testing will be offered return to duty and follow-up provisions. Council on Aging van drivers and safety-sensitive employees who have been found to have violated these requirements are excluded from Return to Duty provisions as a result of alcohol/drug violation; a requirement of use of the vehicle(s) owned by the Berkshire Regional Transit Authority in compliance of Berkshire Transit Managements Zero Tolerance Policy.

B. Conducting Tests

All drug and alcohol tests will be conducted in accordance with 49 CFR Part 40.

Testing location:

Berkshire Occupational Health
489 Pittsfield Road, Suite #A114
Lenox, MA 01240, 413-997-0930

1. Alcohol

DOT rules require breath testing using evidential breath testing (EBT) devices, conducted by a trained breath alcohol technician (BAT). Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a “negative” test. A test result of 0.04 or greater is considered a “positive” test. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. Refusal of an employee to complete and sign the breath alcohol testing form shall be deemed to be a refusal to test.

2. Drugs

Drug testing is conducted by analyzing a driver’s urine specimen and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen’s security, proper identification, and integrity are not compromised. The specimen must be tested for the presence of marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Initially, only the primary specimen is opened and used for urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug.

Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there are some limited, legitimate medical uses that may explain a positive test result. If MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative result. The name and address of the MRO and toxicology lab is available upon request.

3. Refusal to Participate/Tampering

Any refusal to participate in any type of alcohol and or drug tests authorized in this policy will be treated as indicative of a positive result.

If there is any evidence that an employee engaged in sample tampering, such conduct shall be treated as a refusal to participate in testing for the purpose of imposing discipline.

C. Consequences of Alcohol/Drug Misuse (as defined in the federal regulations, 49 C.F.R 382.101, et seq.).

1. Drivers who have an alcohol concentration (defined as 0.02 or greater) when tested just before, during or just after performing safety and sensitive functions must be removed from performing such duties for 24 hours.
2. Drivers who engage in prohibited alcohol or drug conduct (that is. Those who test positive for alcohol or drug use or who refuse to take a recovered test) must be immediately removed from safety sensitive functions, must be evaluated by a substance abuse professional, and must undergo a treatment program as defined by the professional.
3. Drivers who wish to continue employment with the Town of Dalton must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem.
4. Drivers who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02 and/or a urine drug test which is negative who are then subject to unannounced follow-up tests, may return to work.
5. Drivers who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy may be subject to discipline up to and including termination. Any such disciplinary action may be subject to the grievance and arbitration procedures contained in any applicable collective bargaining agreement.

D. Information/Training

1. All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign the Confirmation of Receipt.
2. All supervisory and management personnel engaged in safety-sensitive responsibilities must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determination for reasonable suspicion testing.

E. Record Keeping

1. The Town is required to keep detailed records of its alcohol and drug misuse prevention program.
2. Driver alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the employer, the substance abuse professional, the MRO, and any arbitrator of the grievance filed in accordance with this policy. Any other release of this information, such as to a subsequent employee, may only be made with the driver's consent.

F. Pre-Employment References

1. In accordance with 49 CFR §40.25, the Town must obtain and review the following information from each employer that the prospective driver worked for, in a DOT covered safety sensitive position, during the previous two years: Information about the test in which the employee's blood alcohol was 0.04 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.
2. The prospective employee must provide the former employer with a written release allowing the release of this information or he/she may not be hired.
3. If the previous employer indicates that the positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has consulted with a substance abuse professional, received recommended treatment, and tested negative in a return-to-duty test.
4. The Town of Dalton must provide the same information to subsequent employers of current Town Employees when provided with a written release.

G. Questions

Additional information of the testing process can be found in the attached DOT your rights Questions about Part II of the Town's Alcohol and Drug Policy should be referred to the Town Manager's office at 413-684-6111 x 202.

Use of Town or Personal Vehicle for Municipal Work

The Town of Dalton may provide vehicles for use by certain employees where required for the business of the Town. The Town may also authorize certain employees to utilize their personal vehicles for Town business.. Employees authorized to operate a town vehicle or a personal vehicle for Town business shall comply with the foregoing policies.

This provision shall apply to all departments of the Town under the jurisdiction of the Town Manager, with the exception of the Police Department.

Employees may drive Town vehicles only with the prior approval of their supervisor. No unauthorized passengers shall be transported in Town vehicles. A supervisor may assign a driver only after determining that the driver meets the standards set forth in the Town's insurance policies and such other requirements as the Town may adopt. The supervisor shall also confirm that the driver has a valid driver's license in the appropriate vehicle category.

In accordance with Town regulations, employees and passengers are prohibited from smoking while in municipal vehicles.

Employees who regularly require transportation during the normal course of their work assignment may be assigned a Town vehicle to be used only for business purposes. Only employees who are approved by the Town Manager as being required to respond to emergencies on a 24-hour basis may use a Town vehicle assigned to them for commuting purposes. No employee may use a Town vehicle for non-business purposes.

Such use will be in accordance with the regulations of Internal Revenue Services. Such use will be treated as taxable compensation in accordance with Internal Revenue Service regulations. Unless specifically granted by contract or other agreement, no employee in this category may use Town vehicles for personal use.

Employees who are regularly assigned the use of a particular Town vehicle shall be responsible for the ongoing regular maintenance and safety of the vehicle within their department budgets. Employees who drive a Town vehicle shall, in addition to meeting the approval requirements above, drive safely and maintain the security of the vehicle and its contents. Employees are also responsible for any driving or parking infractions or fines resulting from their use of a Town vehicle.

Employees driving either Town or personal vehicles on Town business may claim reimbursement for parking fees and tolls actually incurred upon evidence of proper receipts. Fuel for Town vehicles shall be supplied by the Town's fuel tanks located at the Highway Garage.

Employees may use their own vehicles for Town business with the prior approval of their supervisor. Employees who use their personal vehicles for approved business purposes may receive a mileage allowance based on the IRS mileage rate, the rate specified in an applicable collective bargaining agreement or an annually budgeted automobile allowance. This allowance

is to compensate for the cost of fuel, oil, depreciation, insurance and all other costs associated with operating the vehicle within Town limits.

Employees shall promptly report any accident, theft, or damage involving a Town vehicle or a personal vehicle used on Town business to their supervisor. Such reports must be made as soon as possible but no later than one business day after the incident. Employees are expected to cooperate fully in the event of an accident. Employees driving Town vehicles are subject to all applicable state and federal statutes and regulations. Unless previously authorized by the Town Manager, employees may not take Town vehicles home. The Town Manager reserves the right to make limited exceptions to this policy.

Technology and Acceptable Use Policy

The Town of Dalton may provide email and/or Internet access to employees who are connected to the municipal network server at Town Hall and in other town buildings. The purpose of providing these services to employees is to improve communication between departments and to provide the means to communicate and obtain information via the Internet. These services shall be used to improve the efficiency and effectiveness of municipal operations. Access and control of the Town's technology resources, equipment and information shall be as follows:

The Town has these established policies to set standards for the proper and allowed use of the Town's telecommunications systems including telephones, email, faxes, cell phones, and the Internet, including social media. The use of these capabilities and equipment is subject to the same management oversight as any other employee activity. The Town reserves the right to review and monitor employees' use of Town systems and communication devices. Employees are advised that they shall have no legitimate expectation of privacy concerning their use of the Town's system and communications devices.

Violation(s) of this policy may result in disciplinary action being taken against the employee, up to and including termination of employment.

Email. Email is considered a public record and as such is subject to the requirements of the Public Records Law (M.G.L. c 66).

Appropriate Use. E-mail and related online services are the property of the Town and are to be used for business matters directly related to the operational activities of the Town and to further the Town's objective of providing efficient, complete, accurate, and timely services. Users shall act professionally, properly identifying themselves, and shall ensure that they do not misrepresent themselves or the Town.

The telecommunications systems (including town telephones, postage systems and Town office Wi-Fi access) shall not be used for any of the following:

- personal gain or to conduct personal business, political activity, non-town-related fundraising activity, or charitable activity;

- the transmission of materials used for commercial promotion, product endorsement or political lobbying;
- to promote discrimination based on race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual orientation; to promote, resulting in, or contribute to sexual harassment; or to promote personal, political or religious business or beliefs;
- to violate any of the Town's personnel policies; or
- for any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any criminal activity.

No user shall violate the computer security systems or procedures implemented by the Town, or its designee(s), including proper use of passwords, security systems and virus detection programs. For security purposes, employees shall either log off or revert to a password screen saver when leaving their computer for an extended period. When leaving for the day, employees shall log off and power down all electronic equipment.

Employees are expected to use careful consideration before opening emails or files from unknown senders. Employees are prohibited from downloading or transferring unauthorized software or files. No user shall pirate, download or transfer software for which the user does not have the proper licensing. Additional restrictions or regulations on the importing of remote files may from time to time be imposed, and such restrictions or regulations shall be considered part of this policy.

Internet browsing shall be limited to Internet sites directly related to the employee's job function.

Open Meeting Law Compliance. All provisions of the Massachusetts Open Meeting Law apply to email communication.

Social Networking. Employees shall use professional judgment concerning personal and professional use of social networking sites. In using social networking sites, employees shall remain respectful to co-workers, residents, or persons seeking assistance from the Town. Employees shall not disclose confidential information, engage in any unlawful activity, or convey information that is disparaging or defamatory while using social networking or social media sites, and shall refrain from making comments or statements based upon race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or another basis prohibited under state or federal anti-discrimination statutes. Such statements or comments occurring online and/or through the use of social networking or social media sites that violates Town policies will not be tolerated and will result in disciplinary action. Subject to applicable law, online activity outside of work that violates the Town's Personnel Policies may subject an employee to disciplinary action, up to and including termination.

Use of social media during work hours, except as related to town business or postings, is prohibited. Violation of this policy shall result in disciplinary action.

Cell phones may not be used to view, download, access or transmit material that is pornographic, abusive, discriminatory, unsuitable to the Town work environment, or in violation of the Town's confidentiality policy.

Town of Dalton Social Media Site Policy

I. PURPOSE

The Town of Dalton maintains official social media accounts to provide accurate and timely information to residents and the public.

This Policy establishes constitutionally compliant standards governing the following subjects:

1. The use of official Town social media accounts;
2. Public participation on Town social media accounts;
3. Viewpoint-neutral moderation and removal of content; and
4. Compliance with the Massachusetts Public Records Law (M.G.L. c. 66), the Massachusetts records retention schedules, and other applicable law.

II. SCOPE

This Policy applies to all official social media accounts created, maintained, or controlled by the Town of Dalton or any Town department, board, committee, or commission.

This Policy does not govern purely personal accounts of elected officials or employees that are not used to conduct official Town business.

III. FORUM DESIGNATION

Official Town social media accounts are designated as limited public forums.

The Town may impose reasonable, content-based but viewpoint-neutral restrictions that are consistent with the purpose of the forum.

The Town shall not remove or restrict speech solely because it criticizes, disagrees with, or opposes Town officials, employees, policies, or actions.

IV. PROHIBITED CONTENT

The Town may hide, remove, or restrict content that falls into one or more of the following categories. These standards shall be applied in a viewpoint-neutral manner.

1. True Threats or Incitement

- Statements constituting true threats under applicable law.
- Speech intended to incite or produce imminent lawless action.

2. Obscenity

- Content meeting the legal definition of obscenity.
- Graphic sexual content lacking serious literary, artistic, political, or scientific value.

3. Harassment or Targeted Abuse

- Severe, targeted harassment directed at specific individuals.
- Repeated posting intended to disrupt, intimidate, or silence participation.

4. Defamation

- False statements of fact about an identifiable individual that could harm reputation.

5. Spam and Commercial Promotion

- Advertisements or commercial solicitations unrelated to Town business.
- Repetitive or duplicative postings.
- Automated bot-generated content.

6. Confidential or Legally Protected Information

- Social Security numbers;
- Financial account information;
- Medical or health records;
- Information exempt from disclosure under M.G.L. c. 4, §7, cl. 26.

7. Impersonation

- False representation as a Town official, department, or employee.

8. Clearly Unrelated Content (When Topic-Limited)

Where a post clearly limits discussion to a particular subject, comments wholly unrelated to that subject may be removed, provided enforcement is viewpoint-neutral.

9. Violations of Law or Platform Terms

Content that violates federal or state law or the hosting platform's terms of service.

V. CONTENT THAT SHALL NOT BE REMOVED

Content shall not be removed solely because it:

- Criticizes or opposes Town officials or policies;
- Expresses political opinions;
- Is controversial or unpopular;
- Contains negative commentary regarding Town operations.

Removal decisions shall not be based on viewpoint discrimination.

VI. MODERATION AUTHORITY AND PROCEDURES

A. Designation of Moderators

The Town Manager, or designee(s), shall be responsible for administering and enforcing this Policy.

Department heads may designate trained staff to moderate department-specific accounts, subject to oversight by the Town Manager.

B. Documentation Requirement

Prior to removal or restriction of content, staff shall:

1. Capture a complete screenshot of the content;
2. Record:
 - Date and time of posting;
 - Username;
 - Platform;
 - Specific policy provision violated;
3. Retain such documentation in accordance with the Massachusetts Public Records Law and applicable records retention schedules.

C. Method of Removal

Depending on platform functionality, staff may:

- Hide comments;
- Delete comments;
- Disable comments on specific posts or entire sites;
- Restrict or block users as authorized below.

VII. RESTRICTION OR BLOCKING OF USERS

The Town may restrict or block a user who:

- Repeatedly posts content that violates this Policy;
- Engages in true threats or unlawful harassment;
- Uses automated or coordinated activity to disrupt the forum.

Blocking must:

1. Be based on documented violations;
2. Be viewpoint-neutral;
3. Be narrowly tailored to prevent disruption;
4. Be periodically reviewed by the Town Manager or designee.

Permanent blocking should be used only when lesser measures are ineffective.

VIII. PUBLIC RECORDS COMPLIANCE

Content posted to official Town social media accounts, including deleted or hidden comments, may constitute public records under M.G.L. c. 66.

The Town shall:

- Retain removed content in accordance with state retention schedules;
- Respond to public records requests consistent with Massachusetts law.

Users are advised that content posted on official Town accounts is not private.

IX. OPEN MEETING LAW COMPLIANCE

Members of the Dalton Select Board and other multi-member public bodies are advised that engaging in deliberation on official social media platforms may violate the Massachusetts Open Meeting Law (M.G.L. c. 30A, §§18–25).

Members shall not deliberate Town business on social media outside of properly posted public meetings.

X. DISCLAIMER

Official Town social media accounts are intended for informational purposes only and are not a substitute for legally required public notices.

Nothing in this Policy shall be interpreted to expand or restrict constitutional protections beyond those provided by law.

XI. POLICY REVIEW AND AMENDMENT

This Policy shall be reviewed periodically by the Select Board in consultation with Town Counsel and may be amended by vote of the Select Board.

Employees' Use of Social Media

I. Purpose

The Town of Dalton endorses the use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This Policy establishes the Town's position on the use and oversight of the social media sites maintained by the Town and its departments and further provides guidance concerning employee's personal use of social media in a responsible manner.

II. Definitions

1. *Town*: Town of Dalton.
2. *Social Media*: Online forums in which individuals participate in the exchange of ideas, messages, and content, including but not limited to, blogs, microblogs, and social networking sites (e.g., Facebook, LinkedIn, Twitter, Snap Chat, Instagram etc.).
3. *Electronic Media*: All forms of electronic communication, transmission, or storage, including but not limited to, websites and any content contained therein or related thereto.

III. General Provisions

- A. Town employees shall exercise their judgment when using any form of social media and must ensure that their use does not violate this or any other applicable Town policy.
- B. Only authorized personnel may post on Town-maintained social media sites. Personnel posting on a Town site shall exercise care to only post information that is accurate and intended to advance the interests of the Town and the community.
- C. Beyond the general provisions outlined below, employees are strongly encouraged to consider the impact of their online statements before publishing them. The Town strives to be professional in its operations and processes. Posts that suggest a likelihood of more or less favorable treatment toward any individual or group of individuals, e.g., based upon race, gender, class, national origin, sexual orientation are unlawful and reflect poorly on the individual making an inappropriate statement as well as the Town. Further, comments suggesting such treatment can expose the Town to liability.
- D. Employees' use of social media is subject to applicable Town policies concerning standards of conduct, harassment, rules, regulations, and by-laws.
- E. All use of social media is subject to the following conditions:
 1. Employees shall have no expectation of privacy for electronic communications through Town systems or equipment. The Town expressly reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information

stored on the Town's electronic communications systems. In accessing the Internet, including social media sites, users should assume that all connections and sites visited using the Town's network will be monitored and recorded. This examination helps to ensure compliance with Town policies, assists when internal investigations must be conducted and supports the management of the Town's information systems. Use of the Town's electronic communication devices including, but not limited to, Town-issued email accounts, Internet services, Intranet, cell phone, smart phones, pagers, Town-owned lap tops and computers provided for remote use, and computer software constitutes acceptance of such monitoring. Content maintained electronically may also be subject to the Massachusetts Public Records Law.

2. The Town reserves the right to remove any content posted by Town personnel on Town social media platforms that is deemed in violation of this Policy.
3. All employees shall conduct themselves in a manner consistent with the Town policies and standards of conduct.
4. Employees shall not reveal any confidential or privileged information on social media sites.
5. Employees shall take all reasonable steps to ensure the information posted on social media sites is accurate. To the extent permitted by law, incorrect information shall be promptly removed upon notification.
6. Employees are expressly prohibited from using social media to engage in any activity or conduct that violates federal or state law (e.g., software or data piracy, pornography, etc.).
7. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest.
8. Comments in any forum that contain racial slurs, express bigotry toward a group based on their race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification are expressly prohibited.

IV. Personal Use of Social Media

While employees may maintain and use personal websites, blogs, social networking platforms and other forms of social media while off-duty, their status as Town employees requires that the content of any postings on these sites remain in compliance with all Town policies, directives, rules and regulations. The Town's image as a professional organization is critical to maintaining the trust and respect of our constituents.

Town personnel may only express their personal opinions and shall be prohibited from implying that they are speaking on behalf of the Town.

Town personnel shall not post, transmit, or otherwise disseminate any information to which they have access solely as a result of their employment.

Employees are expressly prohibited from using and/or posting on their personal social media sites during working hours.

Nothing contained in this Policy shall be interpreted to interfere with an employee's rights under Massachusetts General Laws Chapter 150E.

V. Reports of Misuse

Employees who become aware of any violations of this Policy shall promptly report the violation to the Town Administrator.

VI. Discipline

Employees who violate this Policy shall be subject to disciplinary action, up to and including termination of employment.

Use of Artificial Intelligence (AI)

I. PURPOSE

The purpose of this Policy is to establish standards governing the responsible, lawful, and secure use of Artificial Intelligence (AI) tools by Town of Dalton employees, officials and departments.

This Policy is intended to ensure that the use of AI technologies complies with:

- Massachusetts Public Records Law (M.G.L. c. 66)
- Massachusetts Open Meeting Law (M.G.L. c. 30A, §§18–25)
- Massachusetts Fair Information Practices Act (M.G.L. c. 66A)
- State procurement laws (M.G.L. c. 30B)
- Applicable collective bargaining agreements
- All other applicable federal and state laws

II. SCOPE

This Policy applies to:

- All Town employees
- Elected and appointed officials
- Volunteers and contractors using Town systems
- All departments, boards, committees and commissions

This Policy governs the use of AI systems accessed through Town-issued devices, Town networks, or used for official Town business.

III. DEFINITIONS

For purposes of this Policy:

Artificial Intelligence (AI) means computer systems capable of performing tasks typically requiring human intelligence, including but not limited to content generation, data analysis, transcription, predictive analytics, and automated decision-making.

Generative AI refers to AI systems capable of producing text, images, audio, or other content based on prompts.

IV. PERMITTED USES

AI tools may be used for lawful Town purposes including, but not limited to:

- Drafting preliminary documents (e.g., memos, policies, communications)
- Summarizing public documents
- Research assistance
- Data organization and analysis
- Transcription of public meetings (subject to review and correction)
- Translation services

All AI-generated output must be reviewed by a Town employee prior to publication, dissemination, or reliance.

AI tools may assist — but shall not replace — professional judgment.

V. PROHIBITED USES

Town personnel shall not:

1. Input confidential, exempt, or protected information into public AI platforms, including:
 - Personnel records
 - Medical information
 - Social Security numbers
 - Financial account information
 - Criminal justice information (CORI)
 - Information protected under M.G.L. c. 4, §7, cl. 26
2. Use AI tools to make final employment, disciplinary, procurement, enforcement, licensing, or eligibility decisions without human review.
3. Use AI to conduct unlawful surveillance or monitoring.
4. Use AI tools in a manner that violates anti-discrimination laws or results in disparate treatment.
5. Represent AI-generated content as official Town policy, legal advice, or binding interpretation without appropriate review and authorization.

VI. HUMAN OVERSIGHT REQUIREMENT

AI-generated materials:

- Must be reviewed for accuracy, bias, completeness, and legal compliance.
- Shall not be relied upon as sole authority for legal, financial, procurement, zoning, personnel, or enforcement decisions.
- Remain the responsibility of the Town employee or official using the tool.

Human oversight is mandatory for all substantive decisions.

VII. PUBLIC RECORDS COMPLIANCE

AI-related materials may constitute public records under M.G.L. c. 66.

Employee shall:

- Retain AI-generated drafts or outputs if they meet the definition of a public record;
- Preserve prompts and outputs where required by applicable retention schedules;
- Ensure compliance with records retention and disclosure obligations.

Use of AI does not exempt a document from public records requirements.

VIII. OPEN MEETING LAW COMPLIANCE

AI tools shall not be used to facilitate deliberation among members of a public body outside of a properly posted public meeting.

Use of AI-generated summaries or drafts does not substitute for Open Meeting Law compliance.

IX. PROCUREMENT AND CONTRACTING

Departments seeking to procure AI software or services must:

- Comply with Massachusetts procurement law (M.G.L. c. 30B);
- Consult with the Town Manager prior to acquisition;
- Obtain review by Town Counsel, as appropriate;
- Ensure vendor contracts include appropriate data security, confidentiality, and data ownership provisions.

No department may independently subscribe to AI services using Town funds without approval in accordance with Town financial policies.

X. DATA SECURITY AND PRIVACY

AI tools must comply with Town IT security policies.

Town data shall not be uploaded to external AI platforms unless:

- The platform has been reviewed and approved by the Town's designated IT authority; and
- Appropriate data protection agreements are in place.

Employees must ensure compliance with M.G.L. c. 66A and any applicable cybersecurity standards.

XI. TRAINING

The Town Manager may require training regarding:

- Appropriate AI use;
- Data privacy obligations;
- Bias and ethical considerations;
- Records retention requirements.

XII. ETHICAL USE AND NON-DISCRIMINATION

AI tools shall not be used in a manner that:

- Produces discriminatory outcomes;
- Undermines public trust;
- Circumvents transparency requirements;
- Delegates governmental authority to automated systems without accountability.

All final decisions affecting rights, employment, benefits, enforcement actions, or procurement determinations must involve human judgment.

XIII. ENFORCEMENT

Violation of this Policy may result in:

- Disciplinary action consistent with Town personnel policies and applicable collective bargaining agreements;
- Revocation of system access;
- Referral for legal review where appropriate.

XIV. POLICY REVIEW

This Policy shall be reviewed periodically by the Select Board in consultation with the Town Manager, IT personnel, and Town Counsel and may be amended by vote of the Select Board.

TOWN OF DALTON

ARTIFICIAL INTELLIGENCE (AI) – QUICK USE GUIDELINES FOR STAFF

Artificial Intelligence (AI) tools (including generative AI such as text, image, or transcription tools) may assist with Town work. They do **not** replace professional judgment or legal requirements.

All use of AI must comply with Town policy and Massachusetts law.

YOU MAY USE AI FOR:

- Drafting preliminary documents (memos, policies, emails, reports)
- Summarizing public documents
- Research assistance
- Data organization
- Transcription (with review)
- Translation

All AI-generated content must be reviewed and verified before use.

You are responsible for accuracy.

YOU MAY NOT:

- Enter confidential or protected information into public AI tools, including:
 - Personnel records
 - Medical information

- Social Security numbers
- Financial account data
- CORI or criminal justice information
- Any exempt public record information
- Use AI to make final decisions on:
 - Hiring or discipline
 - Procurement
 - Licensing or enforcement
 - Benefits or eligibility determinations
- Use AI in a way that violates discrimination laws.
- Represent AI output as official Town policy or legal advice without review.
- Use unapproved AI software purchased with Town funds.

HUMAN REVIEW IS REQUIRED

AI is a tool — not a decision-maker.

You must:

- Check for accuracy
- Check for bias
- Confirm legal compliance
- Edit for clarity and correctness

You remain responsible for all work product.

PUBLIC RECORDS REMINDER

AI-generated materials related to Town business may be considered public records under Massachusetts law.

Do not assume AI drafts are private.

DATA SECURITY

Do not upload Town data into external AI systems unless approved by the Town's IT authority. When in doubt — ask your supervisor or the Town Manager before using an AI tool.

QUESTIONS?

Contact your Department Head or the Town Manager's Office before using AI for sensitive or high-impact work.

Disciplinary Policy and Procedures

All employees are responsible for observing the regulations necessary for proper operation of departments in the Town.

The purpose of this policy is to ensure that employees meet the Town's legitimate expectations in the areas of performance, conduct and adherence to all Town policies; employees whose

performance or conduct is deficient shall be provided with the necessary assistance and motivation to meet the Town's expectations; and any disciplinary action initiated against an employee is fair and appropriate.

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

Employees who have not been appointed to a specific term of office are on an indefinite appointment and, as such, are considered at-will employees who may be terminated at any time, for any lawful reason. Disciplinary action, such as verbal and written reprimands, shall be within the discretion of the department head and Town Manager. Suspension (with or without pay), other disciplinary action and termination shall only be issued by the employee's appointing authority.

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

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

- Violation of any Town policy;
- Misrepresentation, falsification or omission on the employment application or resume or other information on which hiring decisions were based;
- Falsification of records, including signing in or out for another employee or allowing another employee to sign in or out for you;
- Engaging in fraud;
- Failure to perform job assignments satisfactorily and efficiently;
- Engaging in unprofessional conduct;
- Failure to follow safety rules or to report unsafe actions or conditions;
- Unexcused absences;
- Excessive or patterned absenteeism or lateness;
- Revealing or making available any information of a confidential nature to any person not authorized or entitled to receive it;
- Stealing, theft, misappropriation, misuse, destruction, or damage of citizen, employee or Town property;
- Malingering, loitering or sleeping on the job;
- Reporting for duty impaired by alcohol or drugs, including prescription drugs;

- Engaging in behavior that could violate the Sexual Harassment policy;
- Gambling while on-duty or on Town premises;
- Possession of a weapon not required by duties;
- Provoking or instigation of a fight with another person during working hours or on Town property;
- Insubordination;
- Conduct contrary to the best interest of the Town, its residents or employees while on or off-duty.
- Reporting to work under the influence of drugs or alcohol in violation of the Town's Drug-Free Work Policy.

Anti-Discrimination Policy

It is the goal of the Town of Dalton to promote a workplace that is free of unlawful harassment, sexual harassment, discrimination, and hostile work environments in any form. The Town will not tolerate unlawful harassment, sexual harassment, and/or discrimination of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment. Further, any retaliation against an individual who has complained about unlawful harassment, sexual harassment, and/or discrimination, or retaliation against individuals for cooperating with an investigation of an unlawful harassment, sexual harassment, and/or discrimination complaint is similarly unlawful and will not be tolerated.

Definitions.

Discrimination – Discrimination is any decision that is made or action taken that is motivated by a bias because of an employee's age, disability, gender, gender identity/expression, genetics, military status, national origin or ancestry, race or color, religion, retaliation, sexual orientation, or political affiliation.

Unlawful Harassment – Unlawful harassment is unwelcome conduct that is based on race, color, religion, gender (including pregnancy), gender identity/expression, national origin or ancestry, age (40 or older), disability, genetic information, military status, or sexual orientation.

Harassment becomes unlawful where:

- Enduring the offensive conduct becomes a condition of continued employment; or
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual Harassment – Sexual harassment is unlawful harassment based on a person's sex. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature, and/or offensive remarks about a person's sex. Both victim and the harasser may be either a man or a woman, and the victim may be the same sex.

Hostile Work Environment – A Hostile Work Environment is created when any unlawful discrimination or unlawful harassment becomes severe or pervasive, the endurance of which

becomes a condition of continued employment.

Employees are protected from harassment and discrimination on the basis of their race, color, religion, national origin, ancestry, sex, age, handicap (disability), and participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, or active military or veteran status. Prohibited behavior includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to employee's membership in a protected group.

To achieve our goal of providing a workplace free from unlawful harassment, sexual harassment, and/or discrimination, the conduct that is described in this policy will not be tolerated. Because the Town of Dalton takes allegations of unlawful harassment, sexual harassment, and/or discrimination seriously, we will respond promptly to complaints of this type of conduct where it is determined that such inappropriate conduct has occurred, will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate up to and including termination.

This policy shall apply to all employees, appointees, elected officials and volunteers of the Town of Dalton. Any individual violating this policy shall be subject to appropriate discipline. While this policy sets forth the Town's goals of promoting a workplace that is free of unlawful harassment, sexual harassment, and/or discrimination, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which the Town deems unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment, sexual harassment, and/or discrimination.

The Town has a "zero tolerance" for bullying. Bullying harms employees, employers, and the organization by creating a disrespectful, unhealthy, and nonproductive work environment. The Town of Dalton expressly prohibits any form of employee bullying. The Town prohibits unwelcome conduct, whether verbal, physical, or visual, and includes any discriminatory employment action and any unwelcome conduct that affects someone because of that individual's protected status.

While bullying encompasses a wide range of conduct, some examples of specifically prohibited conduct include ethnic slurs or epithets; racial jokes; unwanted or unwelcome physical contact; malicious gossip; displaying, storing, or transmitting offensive or harassing materials at work or while using the Town's equipment or facilities.

Further, any harassing conduct that occurs using electronic communication equipment and media, such as through email or social media, is a serious offense and violates the Town's Equal Employment Opportunity policies, including the harassment policy.

Complaints. If an employee believes that he or she has observed or has been subject to discriminatory, unlawful harassment, and/or sexual harassment, the employee has the right to file a complaint with the Town. This can be done in writing or orally. An employee wishing to file a complaint should contact the department head and/or the Town Manager. If the Town Manager is

the subject of an employee's complaint, then the reporting shall be done by the employee to the chair of the Select Board.

Investigation. The Town shall promptly investigate any and all allegations 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. Investigations will include a private interview with the person filing the complaint and with the witnesses.

Interviews will also be conducted with the person alleged to have committed the discriminatory, unlawful, and/or sexual harassment. All parties will be informed as to the results of the investigation. If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where it is appropriate the Town will also impose disciplinary action.

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

State and Federal Remedies. In addition to the above, employees who believe that they have been subject to sexual harassment may file a formal complaint with either or both of the following government agencies: The United States Equal Opportunity Commission, and the Massachusetts Commission Against Discrimination. Using the Town's complaint process does not prohibit employees from filing complaints with these agencies. Each of these agencies has a short time period for filing complaints (300 days).

U.S. Equal Employment Opportunity Commission

JFK Federal Office Building,
Room 475
Government Center
One Congress Street, 10th Floor
Boston, MA 02114

Massachusetts Commission Against Discrimination

Boston Office:
One Ashburton Place, Room 601
Boston, MA 02108

Springfield Office:
426 Dwight Street, Room 220
Springfield, MA 01103

Worcester Office
18 Chestnut Street, Room 520
Worcester, MA 01608

Cooperation and Liability

- All employees shall cooperate in investigations into harassment and discrimination.
- All employees shall participate in the Town's efforts to prevent and eliminate harassment and discrimination.
- Employees may be ***personally liable*** if they engage in harassing or discriminatory behavior.

Solicitation

Solicitation of employees in working areas during working hours is prohibited. Town employees may leave fundraising materials and promotional materials in a break room, for events such as fundraising walks, scouting popcorn, daffodils for the seniors, etc. Supervisors are not allowed to directly solicit the purchase of materials by subordinates, including any fundraising activities. No employee may solicit for or post materials for personal gain, such as crafts, artisan, greeting cards, online products, etc.

X. EMPLOYEE COMPLAINT/GRIEVANCE PROCEDURE

A grievance is an allegation by an employee that the town has violated a specific provision of the Personnel Policies and Procedures. This grievance procedure shall only apply to employees not covered by a collective bargaining agreement.

All employees have a right to have grievances heard in a fair, equitable and timely manner. The decision to file a grievance shall not result in any penalty to the employee, regardless of the final decision.

The grievance procedure steps are as follows:

- The employee shall file a grievance with their immediate supervisor. The employee and supervisor are encouraged to work together to resolve the problem at this level.
- If the employee is not satisfied with the response during informal discussion, that employee may present the grievance to the department head. The department head will meet with the employee to discuss the grievance and provide the employee with a response.
- If the employee is still not satisfied, the employee may submit a written grievance to the Town Manager.

Based on the written grievance and any other information, the Town Manager will make a final determination concerning the merits of the grievance.

The determination by the Town Manager shall be final and binding.

Employees may request to bring a fellow employee to meetings during the grievance review and may, with the agreement of the other party, extend the time limits.

XI. POLICE DEPARTMENT PERSONNEL POLICY EXCEPTION

The Dalton Police Department operates under policies, procedures, rules, and regulations established by the Chief of Police in accordance with applicable law, collective bargaining agreements, and recognized law enforcement standards. In the event that a provision of the Town of Dalton Personnel Policies conflicts with an established Dalton Police Department policy, rule, regulation, or standard operating procedure, the Police Department policy shall govern for members of the Dalton Police Department to the extent necessary to ensure proper law enforcement operations and compliance with applicable law. Nothing in this provision shall supersede Massachusetts General Laws, applicable collective bargaining agreements, or the lawful authority of the Chief of Police to manage department operations.

XII. SIGNATURE PAGES

- Employee Handbook Acknowledgement Form
- Alcohol and Drug Policy Receipt Form
- Receipt of Unlawful Harassment and Sexual Harassment Policy (issued annually)
- Employees' Use of Social Media
- Artificial Intelligence (AI) Policy

**TOWN OF DALTON
PERSONNEL POLICIES AND PROCEDURES
ACKNOWLEDGMENT FORM**

I understand that the Personnel Policies and Procedures contains important information about the Town of and that I should consult with the Town Manager's Office with questions on personnel matters if I have any questions concerning the Personnel Policies or the Town's policies, procedures, benefits, or programs.

I affirm that I have reviewed the contents of the Personnel Policies and Procedures in their entirety and that I will comply with these policies. I understand that violations of the Personnel Policies and Procedures may result in disciplinary action, up to and including termination.

I further understand and agree that no part of the Personnel Policies and Procedures constitutes or is intended to create a contract of employment. I also understand that the Personnel Policies and Procedures do not create any implied contract between me and the Town of Dalton. My employment with the Town is solely at-will, and I understand that I or the Town of Dalton can terminate our employment relationship at any time, with or without advance notice and with or without cause. I affirm that I have entered into my employment relationship with the Town of Dalton voluntarily and understand that my employment does not have any specific length or term.

I further understand and agree that the information contained in the Personnel Policies and Procedures supersedes any prior handbooks, policies, promises, practices, or representations from the Town of Dalton, whether written or oral. No person other than the Selectboard and the Town Manager have authority to bind the Town of Dalton concerning terms and conditions of employment or has authority to make any agreement that alters or varies any of the policies, procedures, benefits, or programs contained in the Personnel Policies and Procedures, or any terms or conditions of my employment, including my status as an at-will employee, and that any such agreement must be in writing. The Town of Dalton reserves the right to amend, supplement, modify, or eliminate any of its policies and procedures at its sole discretion, including policies and procedures relating to my compensation, work hours, or any other terms or conditions of my employment.

By signing below, I acknowledge receipt of a copy of the Town of Dalton's Personnel Policies and Procedures Handbook. I understand that this form will be retained in my personnel file.

Employee Name: _____

Employee Signature: _____ **Date:** _____

Employee Representative: _____ **Date:** _____

**DRUG & ALCOHOL POLICY
EMPLOYEE ACKNOWLEDGEMENT**

By signing this acknowledgement, the employee agrees that they have read the conditions set forth in the Town of Dalton's Drug and Alcohol Policy.

I, _____ hereby acknowledge that I have received and reviewed a copy of the Town of Dalton's Drug and Alcohol Policy and the U.S. Department of Transportation Handbook entitled: "What Employees Need to Know About DOT Drug and Alcohol Testing," revised January 2012; and may also found at <http://www.dot.gov/sites/dot.dev/files/ODAPC%EmployeeHandbook%20En.pdf>

**Town of Dalton
Anti-Discrimination Policy**

Employee Acknowledgment

I, _____, state that I have received and reviewed the
Town's Anti-Discrimination Policy.

Dated: _____
Signature

**EMPLOYEES' USE OF SOCIAL MEDIA POLICY
ACKNOWLEDGMENT**

I hereby acknowledge that I have received and read the Town of Dalton Social Media Policy.

**POLICY ON USE OF ARTIFICIAL INTELLIGENCE (AI)
IN THE WORKPLACE**

ACKNOWLEDGMENT

I acknowledge that I have received and reviewed the Town of Dalton Policy on Use of Artificial Intelligence (AI) in the Workplace and the AI Quick Use Guidelines for Staff.

I understand that:

- AI tools may assist with Town work but do not replace professional judgment.
- I am responsible for reviewing and verifying all AI-generated content before use.
- I may not enter confidential, exempt, or protected information into public AI platforms.
- AI may not be used to make final employment, enforcement, procurement, or eligibility decisions without human oversight.
- AI-related materials may constitute public records under Massachusetts law.
- Violations of the Policy may result in disciplinary action consistent with Town personnel policies and applicable collective bargaining agreements.

I agree to comply with the Town's AI Policy and all applicable federal and Massachusetts laws.

Employee Name (Print): _____

Employee Signature: _____

Date: _____