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## TOWN OF ARLINGTON

The contents of this handbook have been prepared to provide both new and present Town employees with current and useful information regarding their employment. It is hoped that this publication will be a useful reference regarding the rights, privileges, and responsibilities of a career in Town service.

As employees of the Town of Arlington, we are constantly being challenged to provide the citizens with the highest quality of services possible. Each one of us has an important role in the efficient operation of Town government. Whether an employee of four days or forty years, we must renew our pledge every working day to serve as well as we can.

If you have any questions please feel free to contact me, or any of the staff in the Personnel Department. We are here to assist you with any matter relating to your employment.

With best wishes,

Caryn C. Malloy  
Director of Personnel

## TOWN GOVERNMENT

The Town of Arlington, your employer and home to approximately 42,000 people, still retains a government structure characteristic of small New England communities. While the Town is eligible to become a city under Massachusetts law, the residents continue to support the town form of government, with its representative Town Meeting.

The basic law, which provides governmental organization, is the Town Manager Act, approved by the Massachusetts state legislature in 1952 and ratified by the voters of Arlington. The Town Manager is responsible for the day-to-day administrative functions of town services and departments (except schools) and for the maintenance of all town property, including school buildings.

The executive branch of Arlington's government includes a five member Board of Selectmen who are elected for three-year over-lapping terms. The Board sets Town policies and appoints the Town Manager to carry out those policies, as well as matters enacted by Town Meeting.

The legislative branch is the Town Meeting, which is responsible for passing bylaws and appropriating the money for municipal expenses. It is conducted by a Moderator elected by the voters. There are 252 elected town meeting members representing 21 precincts. The Finance Committee and all ad hoc committees report to Town Meeting.

The other elected officials and boards of the Town are the School Committee, Town Clerk, Town Treasurer/Collector, Board of Assessors, and Housing Authority. Though the Housing Authority is also part of Town government, it is not subject to Town control, so the particulars of this handbook do not apply to said authority.

## DEFINITIONS

As an employee of the Town of Arlington, you should be familiar with the following terms that are mentioned in this Handbook and the effect they have on your employment.

Town ByLaws: These are policies adopted by Town Meeting, including a section on personnel, which establishes basic employee rights and responsibilities.

Personnel Director/Affirmative Action Officer: The Town has a full-time personnel director/affirmative action officer and staff who are available to assist Town officials and employees on day-to-day personnel matters. The office is located on the third floor of the Town Hall Annex.

Civil Service: The Town government operates under a statewide Civil Service system. The majority of positions in the Town are governed by the Civil Service system. The state administrative agency that oversees the Civil Service System is the Human Resources Division. The Civil Service Commission acts as an appeals and rule-making body.

Department Head and Supervisor: These are officials in the executive branch of Town government who have the responsibility of overseeing the provision of government services and the employees who perform those services.

Appointing Authority: The person or officials authorized by law to make appointments and dismissals. The following are the appointing authorities for municipal employees of the Town:

- a) **Board of Selectmen** – the Town Manager, and all employees in the Selectmen’s Office and in the Office of Comptroller.
- b) **Town Manager** - all employees in departments under this authority, including the Office of the Town Manager, Planning and Community Development, Police, Fire, Libraries, Human Services, Public Works, Information & Technology, Personnel and Legal
- c) **Board of Assessors** - all employees in the Assessors’ Department;
- d) **Treasurer/Collector** - all employees in the Treasurer/Collector’s department
- e) **Town Clerk**-all employees in the Town Clerk’s department and the Assistant Registrar of Voters.

## SEXUAL HARASSMENT POLICY

1. It is illegal and against Town policy for any worker, male or female, to harass another worker. Examples of such harassment include making sexual advances or favors or other verbal or physical conduct of a sexual nature a condition of any worker's employment; using a worker's submission to or rejection of such conduct as the basis for, or as a factor in, any employment decision affecting the individual; or otherwise creating an intimidating, hostile, or offensive working environment by such conduct.
2. The creation of an intimidating, hostile, or offensive working environment may include but is not limited to such actions as persistent comments on a worker's sexual preferences, the display of obscene or sexually oriented photographs or drawings, or the telling of sexual jokes. Conduct or actions that arise out of a personal or social relationship and that are not intended to have a discriminatory employment effect may not be viewed as harassment. The Town will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation.
3. The Town will not condone any sexual harassment of its employees. All workers, including supervisors and managers, will be subject to severe discipline, up to and including discharge, for any act of sexual harassment they commit.
4. The Town will not condone sexual harassment of its employees by non-employees, and instances of such harassment should be reported as indicated below for harassment by employees.
5. Employees who feel victimized by sexual harassment should report the harassment to their supervisor immediately. If the worker's immediate supervisor is the source of the alleged harassment, the employee should report the problem to the supervisor's superior.
6. Appointing Authorities, Department Heads and Supervisors who receive a sexual harassment complaint should carefully investigate the matter, questioning all employees who may have knowledge of either the incident in question or similar problems. The complaint, the investigative steps and findings, and disciplinary actions (if any) should be documented as thoroughly as possible.
7. Any employee who makes a complaint, or who cooperates in any way in the investigation of same, will not be subjected to any retaliation or discipline of any kind.
8. Employees who are dissatisfied with the investigating superior's resolution of a sexual harassment complaint may file a complaint with the Affirmative Action Officer, who will investigate in the manner indicated in #6 above. The Affirmative Action Officer will recommend, to the appropriate appointing authority, actions (if any) to be taken as a result of investigative findings. The Affirmative Action Officer is located at Town Hall, 730 Massachusetts Avenue, Arlington, MA 02476 (781) 316-3121.
9. Employees who feel victimized by sexual harassment may also wish to take advantage of any assistance offered by their employee organizations (if any). The Massachusetts Commission Against Discrimination and Equal Employment Opportunity Commission are also available to provide assistance. Their addresses are on the following page:

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Massachusetts Commission Against Discrimination  
One Ashburton Place  
Boston, MA 02108 (617) 727-3990

Equal Employment Opportunity Commission  
One Congress Street 10<sup>th</sup> Floor Room #1001  
Boston, MA 02114 (617) 565-3200

## INFORMATION TECHNOLOGY RESOURCES ACCEPTABLE USE POLICY

ADOPTED July 28, 2003

### I. Introduction.

The Town provides information technology resources ("ITR") including, but not limited to computers, laptops, printers and other peripherals, programs, data, fax machines, local and wide area networks, email, the internet, palm pilots, and mobile phones, to employees and other authorized users working in the Town (herein collectively referred to as "employees") to more efficiently provide Town services. All employees using the Town's ITR have an obligation to use the Town's ITR in a responsible manner, conforming to network etiquette, customs, and courtesies and in compliance with this policy. The Town determines which, if any, ITR are appropriate for each position and provides ITR to employees where appropriate at the Town's discretion. Use of the Town's ITR is a privilege which may be revoked at any time for conduct which violates this policy.

### II. Amendment of Prior Policy.

This policy replaces the Town's INTERNET/EMAIL USAGE POLICY which was adopted by the Board of Selectmen on November 17, 1997. Use of the Town's ITR by an employee shall constitute acceptance of the terms of this policy by such employee. In addition to this policy, which may be amended from time to time at the discretion of the Board of Selectmen, individual Department Heads may adopt additional guidelines consistent with this policy governing the use of the Town's ITR by employees under their supervision.

### III. Compliance with Policy.

- A. Employee Responsibilities. Every employee who is authorized to use Town ITR will be provided with a copy of this policy. It is the responsibility of an employee using the Town's ITR to read, understand, and adhere to this policy. Any employee with questions regarding the application or meaning of this policy should seek clarification from his/her supervisor or from the Town's Director of Information Technology at (781) 316-3337. Failure to comply with this policy may result in suspension or termination of the employee's ITR privileges and/or disciplinary action up to and including termination of employment.
- B. Prohibited Conduct. The use of the Town's ITR for inappropriate or prohibited conduct may result in disciplinary action up to and including termination from employment. It is not possible to list all of the circumstances which may constitute inappropriate use of the Town's ITR; however, employees are prohibited from using the Town's ITR:

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- (1) in furtherance of any illegal act, including violations of any state or federal criminal or civil laws or regulations;
- (2) to access, display, or share sexually explicit, obscene, or otherwise inappropriate materials, messages, or images;
- (3) to send or display threatening or harassing messages, materials, or images, including, but not limited to, messages, materials or images of a sexual nature, racial, ethnic, sexual, religious, or gender-based slurs, or messages or images that offensively address someone's age, sex, sexual orientation, religion, race, ethnicity, national origin, disability or political beliefs.
- (4) to access, display, or disseminate material that advocates violence or discrimination towards other people (hate literature);
- (5) for any commercial purpose, including, but not limited to, the offering, providing, leasing, or purchasing of products or services;
- (6) to gain, or attempt to gain, unauthorized access to any computer or network;
- (7) to intercept or attempt to intercept communications intended for other persons;
- (8) to misrepresent either the Town or the employee's role at the Town;
- (9) for any political purpose (subject to the exceptions set forth in Section VII below) or to make solicitations in violation of Massachusetts General Laws, Chapter 55;
- (10) to libel or otherwise defame any person;
- (11) to download and/or install non-Town supported and licensed software applications or programs;
- (12) to violate any copyright laws or to infringe on any intellectual property rights;
- (13) to distribute chain letters;
- (14) to access online gambling sites;
- (15) to connect unauthorized or unapproved computers, printers or peripherals to the Town's network;
- (16) to develop or use programs that harass other users or infiltrate a

- computer, computing system or network and/or damage or alter the software components of a computer, computing system or network;
- (17) to establish unauthorized connections which create routing patterns that are inconsistent with the effective and shared use of the Town's network;
  - (18) for any use that causes interference with or disruption of the Town's ITR;
  - (19) for any use that causes interference with or disruption of the Town's network users or resources; or
  - (20) for any use which violates other Town policies, including, but not limited to, the Town's policy against sexual harassment.
  - (21) To modify or access any town records unless same are within the employees scope of responsibility.

The above list of prohibited conduct is not all inclusive; employees who are uncertain as to the appropriateness of any action or conduct being contemplated should consult their supervisors or the Town's Information Technology Director for guidance.

- C. Town Business Use. The Town's ITR, including, but not limited to, the Town's Email and other online services, are the property of the Town of Arlington, and should be used only for business purposes associated with the Town. The Town's ITR may, however, be used for incidental and occasional personal purposes provided that, in addition to the foregoing prohibited conduct, constraints and conditions, such use does not: (i) directly or indirectly interfere with the Town's operation of computing facilities or electronic mail services; (ii) burden the Town with noticeable incremental cost; or (iii) interfere with the employee's work, performance, duties, responsibilities or with any other of the employee's obligations to the Town. Personal use will be acceptable only as described herein and only on the employee's own time, which includes break time, lunch time, and before or after normal working hours and only as is acceptable with the employee's supervisor. Excessive or non-incidental personal use of ITR or any other misuse of ITR may result in serious disciplinary action up to and including termination of employment. Use of the Town's ITR is a privilege, not a right, and may be revoked at any time for inappropriate conduct.

#### **IV. Public Records.**

Email messages are considered public records, are subject to disclosure and record retention requirements of law, and are discoverable. Employees should not expect that email messages (such as those marked "personal" and/or "confidential") are private or confidential. Employees shall not read email received by another employee when

there is no business purpose for doing so. Employees shall not send email or access the Internet under another employee's name without authorization. No employee shall change any portion of a previously sent email message without authorization. All employees with a Town assigned Email account (Email address) must conduct any Town related Email business via that account; unless unavailable due to the employee being offsite.

#### **V. Monitoring and No Expectation of Privacy.**

Employees should have no expectation of privacy in any use of the Town's Information Technology Resources (ITR).

The Town's computer system automatically stores and/or records information transmitted on the system including password-protected materials, data, information, email communications and web sites viewed. The Town may monitor employee use of ITR, including, but not limited to, computer equipment, email, the internet, web sites visited, and files downloaded by the employee. Therefore, employees should not consider ITR and any communications, transmissions, web sites viewed, and email sent or received, to be private or confidential. The mere deletion of messages, data, or files may not eliminate them from the system. All use of the Town's ITR is subject to monitoring by the Town, at anytime without notice and notwithstanding any password(s), including, but not limited to data, incoming and outgoing email communications and attachments, web sites visited or viewed and files downloaded. Use of the Town's ITR system constitutes consent to monitoring and is conditioned upon strict adherence to this policy.

#### **VI. Precautions Against Computer Viruses.**

All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. In particular, executable programs imported from other sites to Town computers must not be used unless the Data Processing Department has authorized them and they have been subjected to virus detection procedures approved by the Data Processing Department. The Data Processing Department may, from time to time, impose additional restrictions or regulations on the importing of remote files, and such restrictions or regulations shall be considered part of this policy.

#### **VII. Political Activities and Conflicts of Interest.**

An employee's use of the Town's ITR must not conflict with the State's Conflict of Interest Laws (M.G.L. c. 268A) or Campaign Finance Laws (M.G.L. c. 55). Notwithstanding the provisions of Section III. B. (9) above, political activities may be permitted to the extent that such activities are a part of the official responsibilities of an employee, provided that such activities relate to political issues rather than specific political candidates or parties and provided further that such conduct does not violate any applicable laws. For further clarification please see bulletin OCPF-IB-92-01 issued in June of 1992 and revised in October of 1996 by the Office of Campaign and Political Finance: The

Application of the Campaign Finance Laws to Public Employees and Political Solicitation, a copy of which is available at the Arlington Town Counsel's office at 50 Pleasant Street in Arlington, or contact Arlington's Town Counsel, at (781) 316-3151.

### **VIII. Additional Responsibilities of Department Heads, Managers, and Supervisors.**

Managers and supervisors are responsible for ensuring that all employees under their supervision using any of the Town's ITR have read this Policy and understand its applicability to their activities.

The Department Head is responsible for insuring that any employee who will be given any access to the Town's ITR has read and signed a copy of this policy. The Data Processing Department will not give access to an employee unless it receives a copy of this policy signed by the employee and the Department Head. A signed copy will be placed in the employee's personnel file.

The Town's ITR are work tools. The appointing authority and or Department Head shall deem who appropriately can utilize such tools to better perform their job duties.

### **WHISTLE BLOWER POLICY**

Employees of the Town of Arlington are hereby advised of their rights in accordance with Chapter 149, Section 185, and "The Massachusetts Whistler Blower Statute".

The Town of Arlington as employer shall not take retaliatory action against an employee because the employee does any of the following:

1. Discloses or threatens to disclose an activity, policy or practice which the employee reasonably believes is a violation of the law, or which the employee believes poses a risk to public health, safety or the environment;
2. Provides information or testifies before a public body conducting an investigation into any violation of the law or risk to public health, safety or environment;
3. Objects to or refuses to participate in activity which the employee reasonably believes is a violation of a law or which the employee reasonable believes poses a risk to public health, safety or the environment.

The employee must, by written notice, bring the activity, policy or practice in question to the attention of the persons designated by the Town to receive such notice unless (A) the employee is reasonably certain that the activity, policy, or practice is known to one or more supervisors and the situation is emergency in nature, or (B) the employee fears physical harm as a result. Employees aggrieved by a violation of this law may

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institute civil action in the Superior Court in accordance with M.G.L. Chapter 149, Section 185 (d).

In accordance with this law, the Town of Arlington has designated the following persons to receive written notification pursuant to this law:

Brian Sullivan, Town Manager  
Town Hall, 730 Mass. Ave.  
Arlington, MA 02476

Caryn Cove Malloy, Director of Personnel  
Town Hall, 730 Mass. Ave.  
Arlington, MA 02476

For further information, please contact the Director of Personnel at 316-3121.

**AMERICANS WITH DISABILITY ACT**

The Americans with Disabilities Act (ADA) grants civil rights protection to individuals with disabilities by guaranteeing equal opportunity for individuals with disabilities in the areas of: employment, public accommodations, transportation, state and local government services and telecommunications. In employment, the ADA states that employers may not discriminate against an individual with a disability in hiring or promotion, if the person is otherwise qualified for the job. Employees who have particular questions about the ADA may contact the Personnel Office at extension #3121 or the ADA Coordinator at the Community Access Office, extension #3431.

**DRUGS AND ALCOHOL IN THE WORKPLACE POLICY**

The Town of Arlington firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. In accordance with the Federal Drug Free Workplace Act, the illegal use, sale or possession of narcotics, drugs or controlled substances while on the job or on Town property is an offense warranting disciplinary action up to and including termination. Details about the Drug Free Workplace Act are available in the Personnel Office.

Police Officers, Firefighters, and any employee who hold a Commercial Drivers License as a requirement of the position must comply with an Alcohol and Drug Testing Policy. The specifics of this Policy vary depending upon union membership. If you are in any of these three groups you should read the Alcohol and Drug Testing Policy in your Union Contract.

**EQUAL OPPORTUNITY**

The Town of Arlington is an equal opportunity employer. This means that it pledges that all candidates for positions and all officials and employees in Town will be equally treated in all actions affecting them. It also means that the Town has a policy of non-discrimination which guarantees that all applicants for employment and all employees

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are not to be discriminated against because of their ethnic group, color, age, gender, religion, national origin, political affiliation, veterans status or disability.

In addition, the Town has an Equal Opportunity Plan for recruiting minority and women applicants. Minorities are persons who are members of an ethnic group (African American, Native American, Asian) or cultural group (Hispanic), which has traditionally experienced discrimination. Women are included regardless of ethnic or cultural group.

### **HIRING & PROMOTIONS**

Approximately 90% of all positions in Town government are covered under the Massachusetts Civil Service system. The remaining 10% are excluded from Civil Service by state law. There are two categories of positions under Civil Service: Official Service and Labor Service. Entry into an Official Service position is made by means of a competitive written examination. In Labor Service, entry is based upon date of application. There are several types of Civil Service appointments, which are outlined below. You should be aware of the type of appointment you hold and the rights that such appointment carries.

- a. Permanent Civil Service appointment - This is an appointment to a position in Town service following selection from a list of eligible candidates determined either by examination or date of application. Once a person has served a successful probationary period under this type of appointment, the employee attains permanent status in this position. Employees may verify the length of their probationary period for their position with the Personnel Department.
- b. Provisional Civil Service appointment - This type of appointment applies to Official Service titles and is made when there is no existing list of eligible candidates. Candidates for provisional appointments must meet the minimum qualifications for a position. In all such appointments, the incumbent eventually must take an examination and be appointed from a list of eligibles in order to achieve permanent status.
- c. Intermittent Civil Service appointment - This represents an appointment made from a list of eligible candidates for recurrent employment, which may be regular or irregular, as the needs of the Town require. An individual selected for this type of appointment is eligible to attain permanent status when such a position becomes available.
- d. Temporary Civil Service appointment - This is a time-limited appointment following certification from an eligible list. Individuals filling temporary appointments in official service are not eligible for permanent status, except through separate competition. Temporary labor service employees are eligible for permanent status under certain circumstances.
- e. Emergency Civil Service appointment - This is an appointment made for not more than 30 working days to cover an unforeseen emergency. Emergency appointments cannot be developed into permanent appointments.

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f. Seasonal appointment - This is a short-term employment, from May 1 through September 30 and from November 1 through April 1 of any year. Seasonal employees are not eligible for unemployment insurance at the end of their employment and they will be required to sign a form from the Department of Employment and Training (Form 1872) that states the same.

Regular employees are those who hold full or part time positions other than seasonal, intermittent, or emergency. Appointments may be Civil Service or non-Civil Service. Candidates for all Labor Service positions, police and fire positions, and certain other positions are required to pass a physical examination prior to employment. The Town pays for the examination, but a candidate who, after passing the exam, decides not to accept the job, will be billed for the cost of the exam.

### **VETERANS' PREFERENCE**

In Official Service positions, five points are added to examination scores of veterans meeting statutory requirements. Ten points are added to the score for disabled veterans, and widows and widowed mothers of veterans who died from service connected disability in wartime.

Disabled veterans who have a compensable service connected disability of ten percent or more are placed at the top of the eligible lists in the order of the marks on their exams. In addition, disabled veterans are retained in employment in preference to all others, including veterans.

In Labor Service positions, veterans meeting statutory requirements are placed ahead of all other applicants on eligible lists. Widows and widowed mothers of veterans who died from service-connected disability in wartime are placed on the eligible list following all veterans but preceding all others.

### **PROBATIONARY PERIOD**

All new employees appointed to regular positions will be on probation for a period of six months and twelve months for police officers and firefighters. During this period, the employee has the opportunity to evaluate the job. If you have questions about the job duties, benefits, or other issues, this is the time to resolve them.

At the same time, the employer has the opportunity to evaluate the employee's performance. If the employee is not performing satisfactorily according to the department head, employment may be terminated.

### **PROMOTIONS**

When position vacancies occur, current employees are considered before outside candidates. Promotional bulletins are posted on departmental bulletin boards for five working days prior to selection. These announcements detail such information as the duties and responsibilities of the job, experience required and job location. In the case of Labor Service, Civil Service regulations require the selection of one of the first three employees with the most seniority in the department who has expressed interest in the

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promotion. If there is no employee qualified and willing to accept the promotion, the appointing authority must choose someone from a certified labor service list.

In Official Service, the appointing authority must choose candidates from a promotional Civil Service list. Said list includes names of applications who have been certified through an exam process.

Promotional opportunities in non-Civil Service positions are posted, as above, for five working days. Town employees who meet the minimum qualifications are eligible to apply for such openings.

Selection for promotion, whether in Civil Service or non-Civil Service, takes into account job knowledge, attendance record, dependability, and other factors.

### **POSITION CLASSIFICATION & PAY PLANS**

The classification plan covers Town positions. Each position in the classification plan has an established salary range. An employee normally begins at the entrance step of the range. As long as the employee performs satisfactorily in the position to which appointed or promoted, the employee can look forward to attaining the maximum step in stated increments.

The compensation and classification plans are companion documents. Amendments to either plan must be approved by Town Meeting. Copies of the plans are available at the Personnel Office.

Article 7C, Section 3 of the Town By-Laws permits the Personnel Director to accept individual employee requests to have their position reclassified. Requests must be received on or before September 10 of the year preceding Annual Town Meeting. The Director shall communicate his/her decision regarding the request no later than November 1. An aggrieved employee may appeal reclassification decisions of the Personnel Director to the Personnel Board. All reclassification recommendations are subject to Town Meeting approval.

### **PAYROLL**

Your paycheck and payroll deductions are directly related to the pay plan and its administration. Employees are paid weekly by check covering the period of the previous week. Paychecks will reflect payroll deductions mandated by law, including federal income tax, state income tax, and contributions to the retirement system. For employees hired after April 1, 1986, there is an additional deduction for Federal Medicare. Employees also may select optional deductions including a savings bond plan, annuity and deferred compensation, credit union, and health and life insurance.

#### *Direct Deposit*

Direct deposit of paychecks to the employee's bank account is available upon request to the Payroll Office. In order to have enroll in the Direct Deposit program you need to complete the "Authorization for Direct Deposit" that is your enrollment packet. You will need to attach a cancelled or voided check to this form.

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*Overtime*

Overtime pay is granted in accordance with the Fair Labor Standards Act, as amended in 1985, whereby non-exempt full-time public employees who work more than 40 hours per week are eligible for compensation at the rate of time and a half. The Town also pays time and a half for overtime to non-exempt employees whose normal workweek is 35 hours. Employees should consult collective bargaining agreements for any additional provisions. Employees should check paycheck stubs for accuracy and for occasional notices.

*Record of Accrued Leave*

Your paycheck also includes your sick leave, personal leave, and vacation leave balances. Employees should review these balances for accuracy, most specifically after having used leave.

**BENEFITS**

In general, the Town provides benefits to regular employees. Emergency, seasonal, or intermittent employees are not entitled to benefits. Please note eligibility in each section below, and refer to applicable collective bargaining agreements, or in the case of management positions, the Town By-Laws.

**VACATION LEAVE**

Generally, Town employees are granted annual vacation leave as of January 1 of each year. Vacation may not be used until after the completion of the probationary period. Vacation eligibility may vary depending upon your union membership. Unless otherwise provided for by collective bargaining, employees earn vacation as follows:

<b>Length of Service</b>	<b>Vacation</b>
6 months - 5 years	12 days
5 years - 10 years	18 days
10 years - 25 years	24 days
25 years or more	30 days

Employees are given the opportunity to accrue vacation leave in order that they may have periods of rest and relaxation from their jobs for health and well being, consistent with workload and staffing requirements of their departments. Employees are encouraged to request vacation leave in blocks of time sufficient to ensure vacation periods to best serve the public interest. Vacation allowance may not be accumulated from one year to another (unless collective bargaining agreements provide otherwise) except when, in the opinion of the appointing authority, it is impossible or impractical to do otherwise because of work schedule or emergency situations. Whenever employment is terminated by dismissal through no fault or delinquency of an employee, or by resignation, retirement, or death, all unused vacation leave will be paid at the regular rate of compensation to the employee or to his/her estate. If a holiday falls within a vacation period, it does not count as part of the vacation allowance.

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#### **HOLIDAYS**

In order to qualify for holiday credit, an employee must work on the last regularly scheduled work day prior to, and the next regularly scheduled work day following each holiday unless it is an absence for which compensation is payable. The administration of Holidays differs for Police Officers and Firefighters. These employees should refer to the Union Contract for holiday leave information. The following days in each year are considered as holiday credits:

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

Good Friday is considered a half holiday and Christmas Eve is considered a full holiday, when it falls on a day from Monday through Friday.

#### **SICK LEAVE**

Sick leave with pay is granted to employees when they are unable to perform their duties due to sickness, injury, or quarantine by health authorities. Sick leave is earned at the rate of one and one-quarter days per month from the first day of the month following employment. It cannot be used, however, until the employee has worked six months. At the end of this six-month probationary period, each employee receives seven and one half days sick leave credit. Sick leave may be accrued for each year of employment. Part-time employees whose hours of work follow a regular schedule will be granted sick leave on a pro rated basis.

Employees are not entitled to sick leave credit in a month when unauthorized leave occurs, or if more than two days of authorized absences without pay occur in a month.

Sick leave begins on the day notification of illness is given by the employee, the employee's family or physician. Such notification must be given within one hour of the regular starting time. The department head or appointing authority may require a physician's certificate stating the nature of illness and expected duration. A physician's certificate is required at the end of two weeks of illness. Subsequent certificates may be required at the discretion of the appointing authority or department head.

Collective bargaining agreements describe entitlement to sick leave buy back. Employees who are terminated for cause are not entitled to compensation in lieu of any sick leave not taken.

#### **PERSONAL LEAVE**

Personal leave allows employees time for matters not covered by other types of leave, such as conducting personal business or attending the funeral of a friend.

A personal leave of absence of one day with pay is granted to all full-time employees, with at least one full year of service, of the town on January 1 of each year. This

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personal leave day is in addition to sick leave or vacation leave and is allowed at the discretion of the department head after receiving reasonable notice from the employee. Personal leave cannot be used during the first six months of employment.

Employees who do not report out sick during a quarter earn one personal day per said quarter. In addition, employees who do not report out sick more than four days during the calendar year receive one additional personal day. In all cases, personal days for good sick leave record may not be accrued beyond one year from the date of their being credited.

### **OTHER TYPES OF LEAVE**

There are several situations in which leave with pay for special or unusual reasons may be granted. These are outlined below. Employees are advised to check applicable collective bargaining agreements and the Town By-Laws for additional provisions.

1. Bereavement Leave - An absence with pay, to the extent necessary but not to exceed five days, is granted in case of death of an immediate member of an employee's family (spouse, child, father, mother, sister, brother, or grandparents.) An absence with pay of one day is granted in case of death of an employee's in-laws or grandparents of spouse. (This benefit varies by union.)
2. Military Leave - Any permanent employee of the Town called for an annual tour of duty with the armed forces will be paid his/her annual salary for a period not exceeding two calendar weeks and will also be entitled to the same leaves of absence or vacation with pay given to similar employees.
3. Jury Duty Leave - A regular employee called for jury duty will be paid an amount to bring the employee's salary up to the usual rate of pay. Notice of service must be filed with the department head upon receipt of a summons.
4. Maternity Leave - A female employee who has completed the initial probationary period will be granted a maternity leave without pay for a period not exceeding twelve weeks, unless otherwise provided by collective bargaining agreements. The employee should give at least two weeks notice to her employer of her anticipated date of departure and return. An employee who takes a maternity leave will be restored to her previous or a similar position with the same status, pay, and length of service credit and seniority as of the date of leave. A physician's certificate must be submitted to the employee's department head before returning to work. Accrued sick leave benefits are provided for maternity leave purposes (for the first eight weeks of leave) under the same terms and conditions which apply to other temporary medical leaves.

### **FAMILY AND MEDICAL LEAVE ACT**

The Family and Medical Leave Act (FMLA) is a Federal mandate that became effective on August 5, 1993. Under the Act, eligible employees are entitled to a total of 12 workweeks of unpaid, job-protected leave during any 12-month period for one or more of the following reasons:

1. For the birth or placement of a child for adoption or foster care.
2. To care for an immediate family member (spouse, child or parent) with a serious health condition.
3. To take medical leave when the employee is unable to work because of a serious health condition.
4. For qualifying urgencies arising if an employee's spouse, son, daughter or parent is on active duty (or on call to active duty status) as a member of the National Guard or Reserves in support of a contingency operation.
5. Up to twenty-six weeks of unpaid leave must be granted for an employee to care for a service member (spouse, child, or parent or next of kin) with a serious illness or injury provided the employee takes no more than 12 weeks of leave because of a qualifying urgency or for any other FMLA – qualifying reason.

The Personnel Department will determine your eligibility for FMLA, if any of these circumstances arise. Employees commonly believe that FMLA applies only when they have no remaining paid leave. This is incorrect. If you are absent due to any of the above-mentioned circumstances, the Town may place you on Family Medical Leave. To be eligible for FMLA coverage, an employee must have worked for the Town of Arlington for 12 months and at least 1,250 hours during that time.

Employees who are granted unpaid leave should be aware that certain benefits do not accrue during that time. Employees will be required to exhaust appropriate paid leave before going out on unpaid leave. In addition, employees on unpaid leave are required to pay the employee share on health and life insurance for that period.

## **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

This outline of Privacy Practices describes how we may use and disclose your protected health information to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control your protected health information. "Protected health information" is information about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health or condition and related health care services.

### Uses and Disclosures of Protected Health Information

We use health information about you for treatment, to obtain payment for treatment, for administrative purposes, and to evaluate the quality of care that you receive. We may use or disclose identifiable health information about you without your authorization for several other reasons. Subject to certain requirements, we may give out health information without your authorization for public health purposes, for auditing purposes, for research studies, and for emergencies. We provide information when otherwise required by law, such as for law enforcement in specific circumstances. In any other situation, we will ask for your written authorization before using or disclosing any

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identifiable health information about you. If you choose to sign an authorization to disclose information, you can later revoke that authorization to stop any future uses and disclosures.

We may change our policies at any time. Before we make a significant change in our policies, we will change our notice and post the new notice. You can also request an updated copy of our notice at any time.

The Federal regulations that govern the use and disclosure of protected health information may require us to disclose your health information in any of the following situations:

*Required By Law.* We may use or disclose your protected health information to the extent that law requires the use or disclosure. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. You will be notified, as required by law, of any such uses or disclosures.

*Public Health.* We may disclose your protected health information for public health activities and purposes to a public health authority that is permitted by law to collect or receive the information. The disclosure will be made for the purpose of controlling disease, injury or disability. We may also disclose your protected health information, if directed by the public health authority, to a foreign government agency that is collaborating with the public health authority.

*Communicable Diseases.* We may disclose your protected health information, if authorized by law, to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition.

*Health Oversight.* We may disclose protected health information to a health oversight agency for activities authorized by law, such as audits, investigations, and inspections. Oversight agencies seeking this information include government agencies that oversee the health care system, government benefit programs, other government regulatory programs and civil rights laws.

*Abuse or Neglect.* We may disclose your protected health information to a public health authority that is authorized by law to receive reports of child abuse or neglect. In addition, we may disclose your protected health information if we believe that you have been a victim of abuse, neglect or domestic violence to the governmental entity or agency authorized to receive such information. In this case, the disclosure will be made consistent with the requirements of applicable federal and state laws.

*Food and Drug Administration.* We may disclose your protected health information to a person or company as directed or required by the Food and Drug Administration (i) To or report adverse events (or similar activities with

respect to food or dietary supplements), product defects or problems (including problems with the use or labeling of a product), or biological product deviations, (ii) to track FDA-regulated products, (iii) to enable product recalls, repairs or replacement, or lookback (including locating and notifying individuals who have received products that have been recalled, withdrawn, or are the subject of lookback), or (iv) to conduct post-marketing surveillance.

*Legal Proceedings.* We may disclose protected health information in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized), in certain conditions in response to a subpoena, discovery request or other lawful process.

*Law Enforcement.* We may also disclose protected health information, so long as applicable legal requirements are met, for law enforcement purposes. These law enforcement purposes include (1) legal processes and otherwise required by law, (2) limited information requests for identification and location purposes, (3) pertaining to victims of a crime, (4) suspicion that death has occurred as a result of criminal conduct, (5) in the event that a crime occurs on the premises of the practice, and (6) medical emergency (not on the Practice's premises) and it is likely that a crime has occurred.

*Coroners, Funeral Directors, and Organ Donation.* We may disclose protected health information to a coroner or medical examiner for identification purposes, determining cause of death or for the coroner or medical examiner to perform other duties authorized by law. We may also disclose protected health information to a funeral director, as authorized by law, in order to permit the funeral director to carry out their duties. We may disclose such information in reasonable anticipation of death. Protected health information may be used and disclosed for cadaveric organ, eye or tissue donation purposes.

*Research.* We may disclose your protected health information to researchers when their research has been approved by an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your protected health information.

*Criminal Activity.* Consistent with applicable federal and state laws, we may disclose your protected health information, if we believe that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. We may also disclose protected health information if it is necessary for law enforcement authorities to identify or apprehend an individual.

*Military Activity and National Security.* When the appropriate conditions apply, we may use or disclose protected health information of individuals who are Armed Forces personnel (1) for activities deemed necessary by appropriate military command authorities; (2) for the purpose of a determination by the Department of Veterans Affairs of your eligibility for benefits, or (3) to foreign

military authority if you are a member of that foreign military services. We may also disclose your protected health information to authorized federal officials for conducting national security and intelligence activities, including for the provision of protective services to the President or others legally authorized.

*Workers' Compensation.* Your protected health information may be disclosed by us as authorized to comply with workers' compensation laws and other similar legally-established programs.

*Inmates.* We may use or disclose your protected health information if you are an inmate of a correctional facility and your physician created or received your protected health information in the course of providing care to you.

*Required Uses and Disclosures.* Under the law, we must make disclosures to you and when required by the Secretary of the Department of Health and Human Services to investigate or determine our compliance with the requirements of Section 164.500 et. seq.

### Your Rights

*You have the right to inspect and copy your protected health information.* This means you may inspect and obtain a copy of protected health information about you that is contained in a designated record set for as long as we maintain the protected health information. A "designated record set" contains medical and billing records and any other records that your physician and the practice uses for making decisions about you. Under federal law, however, you may not inspect or copy the following records; psychotherapy notes; information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding, and protected health information that is subject to law that prohibits access to protected health information. Depending on the circumstances, a decision to deny access may be reviewable. In some circumstances, you may have a right to have this decision reviewed. Please contact our Privacy Contact if you have questions about access to your medical record.

*You have the right to request a restriction of your protected health information.* This means you may ask us not to use or disclose any part of your protected health information for the purposes of treatment, payment or healthcare operations. You may also request that any part of your protected health information not be disclosed to family members or friends who may be involved in your care or for notification purposes as described in this Notice of Privacy Practices. Your request must state the specific restriction requested and to whom you want the restriction to apply. We are not required to agree to a restriction that you may request, but if we do agree to the requested restriction, we may not use or disclose your protected health information in violation of that restriction unless it is needed to provide emergency treatment.

*You have the right to request to receive confidential communications from us by alternative means or at an alternative location. We will accommodate reasonable requests. We may also condition this accommodation by asking you for information as to how payment will be handled or specification of an alternative address or other method of contact. We will not request an explanation from you as to the basis for the request. Please make this request in writing to our Privacy Contact.*

*You may have the right to have your physician amend your protected health information. This means you may request an amendment of protected health information about you in a designated record set for as long as we maintain this information. In certain cases, we may deny your request for an amendment. If we deny your request for amendment, you have the right to file a statement of disagreement with us and we may prepare a rebuttal to your statement and will provide you with a copy of any such rebuttal. Please contact our Privacy Contact to determine if you have questions about amending your medical record.*

*You have the right to receive an accounting of certain disclosures we have made, if any, of your protected health information. This right applies to disclosures for purposes other than treatment, payment or healthcare operations as described in this Notice of Privacy Practices. It excludes disclosures we may have made to you, for a facility directory, to family members or friends involved in your care, or for notification purposes. You have the right to receive specific information regarding these disclosures that occurred after April 14, 2003. You may request a shorter timeframe. The right to receive this information is subject to certain exceptions, restrictions and limitations.*

## **LONGEVITY**

Collective bargaining agreements may provide for longevity payments to employees who have been employed by the Town for specified number of years. Employees should consult the appropriate collective bargaining agreement or Town By-Laws for details.

## **HEALTH INSURANCE**

Regular employees who work at least twenty (20) hours per week are eligible to elect life and/or health insurance. The Town of Arlington shares in the premium costs of the following insurance programs.

- a) A group life insurance and a group accidental death and dismemberment insurance on the life of the employee. The Town shares 50% of the premium
- b) A comprehensive health insurance plan for the employee and dependent family members. The Town pays a specific part of the premium, depending on the option selected by the employee.
- c) A voluntary dental plan where employee pays full premium at group rate.

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Additional information on life and health insurance programs is available in the Personnel Office, extension #3124.

If an employee does not sign up for health insurance within the first 30 days of employment, he/she must wait until the annual open enrollment period to join. Open enrollment also offers employees the opportunity to change health insurance providers.

The Town pays for health insurance one month in advance. For this reason employees must pay the employee premium of their health insurance for a one-month period. A new employee must make this payment at the time of his/her enrollment. This amount may be prorated depending upon when the employee enrolls and/or when his/her employment begins. A Personnel Assistant will tell a new employee the exact amount owed at the time of enrollment. All new employees who want to enroll in the Town's Health Insurance Program should bring a check with them at the time of his/her enrollment.

Changes in address, number of dependents or marital status should be reported to the Personnel Office as they occur.

**Temporary Extension of Health Insurance Coverage (COBRA) - Federal Law 99-272, Title X**

Employees who are covered by any of the Town's group health plans, have a right to choose COBRA coverage if you lose your group health coverage because of a reduction you're your hours of employment or the termination of your employment, for reasons other than gross misconduct on the part of the employee. The following chart is a summary of the conditions that will effect COBRA coverage rights under this law:

Qualifying Event	Qualified Beneficiary	Length of COBRA
Death of an Employee	Spouse and Dependent(s)	36 months
Termination of Employee	Employee & Family	18 months
Reduction in Hours (Less than 20)	Employee & Family	18 months
Loss of Dependent Status	Dependent	36 months

The employee or a family member has the responsibility to inform the Personnel Department of a divorce, legal separation, or a child losing dependent status. The Town of Arlington has the responsibility to notify the Personnel Department of an employee's death, termination of employment, reduction in hours, or Medicare eligibility. Once notified, the Personnel Department will in turn notify you that you have the right to choose COBRA coverage. You have 60 days from the date you would lose coverage to inform the Personnel Department that you want COBRA. If you do not choose COBRA, your group health insurance coverage will end.

If you choose COBRA, the Town of Arlington is required to give you coverage, which, as of the time coverage is being provided, is identical to the coverage provide under the plan to similarly situated employees or family members. COBRA allows the Town to discontinue coverage for the following reasons: the Town no longer provides group health coverage to any of its employees; you fail to pay the premium for your

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coverage; you enter the employ of another employer who offers group health coverage; you become eligible for Medicare; you became eligible for COBRA when you divorced a covered employee and subsequently remarry and are eligible for coverage under your new spouse's group health plan.

### **Coverage of Restorative Procedures following Breast Cancer Surgery - The Women's Health and Cancer Act**

This act requires group health plans, insurance issuers, and HMO's, which already provide medical and surgical benefits for mastectomy procedures, to now provide insurance coverage for reconstructive surgery following mastectomies. The expanded coverage, must include: reconstruction of the breast on which the mastectomy has been performed; surgery and reconstruction of the other breast to produce a symmetrical appearance; prostheses and physical complication at all stage of mastectomy, including lymph edemas. Please note that these procedures may be subject to annual deductibles and coinsurance provisions that are similar to those applying to other benefits under your plan. For answers to specific questions regarding your particular health plan's policy, please contact the customer relations department of your insurance provider, which is listed on your identification card.

### **CREDIT UNION**

Regular employees of the town are eligible to join the Arlington Municipal Federal Credit Union. The Credit Union offers employees an opportunity for regular savings through automatic payroll deduction. Interest is paid each quarter and every account is fully insured. Credit Union members may apply for automobile and unsecured loans.

The Credit Union is operated by a board elected by employees from within the membership. The board is authorized to make policies and to manage the Credit Union in accordance with federal regulations. Information and forms, including payroll withholding and loan applications, are available at the Credit Union Office on the third floor of the Town Hall Annex. Employees may contact credit union staff for further information at either extension #3142 or #3143.

### **RETIREMENT SYSTEM**

Membership in the Town's retirement system is mandatory for all employees. Employees in regular positions are eligible upon employment. New employees contribute 9% of their gross salary to the pension fund effective July 1, 1996; employees hired between January 1, 1984 and June 30, 1996 contribute 8% of gross salary; employees hired between January 1, 1984, but after January 1, 1975, contribute 7% of gross salary; and employees hired prior to January 1, 1975, contribute 5%. If your employment is terminated before you are eligible to collect a pension, all contributions are refundable upon request. Certain other full and part time positions contribute a 7.5% weekly payroll deduction to Aetna Life Insurance and Annuity Company. Aetna contributions are fully refunded at the time of employment termination. Whether you contribute to the retirement system or Aetna will be explained at the time of hire.

Benefits are available in the case of death or incapacity prior to normal retirement, with provisions for dependent children and widows and for disabled employees. Any

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employee completing twenty years of service regardless of age, or who has reached the age of fifty-five with ten years of service may retire voluntarily. Maximum benefits are eighty per cent of the average salary paid over the highest consecutive three-year period of service.

For particular information, you are advised to contact the Retirement Board located at extension #3370.

### **EMPLOYMENT NOT COVERED BY SOCIAL SECURITY**

Your earning from this job are not covered under Social Security. When you retire, or if you become disabled, you may receive a pension based on earnings from this job. If you do, and you are also entitled to a benefit from Social Security based on either your own work or the work your husband or wife, your pension may affect the amount of the Social Security benefit you receive. Your Medicare benefits, however, will not be affected. For more information regarding this provision please visit [www.socialsecurity.gov](http://www.socialsecurity.gov).

### **SAFETY GUIDELINES & PROCEDURES**

All employees, whether they work outdoors, in an office, or in a shop, whether they operate a heavy motor equipment or a desktop computer should be aware of safety guidelines established to protect workers and others in the workplace. Employees also have the right to know if there are hazardous substances in the workplace. You are strongly encouraged to familiarize yourself with the safety guidelines available in your department.

The Town of Arlington is a municipal Workers' Compensation Self- Insurer. All Town employees (except Police and Fire) who are injured within the course and scope of their employment are entitled to certain benefits pursuant to Massachusetts law. All injuries on the job must be reported immediately to the department head. All reported injuries are investigated for the protection of both the employee and the Town. In the event of a work injury resulting in the loss of five days of regularly or actually scheduled work, an employee becomes eligible for weekly benefits retroactive to the first lost day. Employees may use sick leave credit such that, when added to their weekly workers' compensation, it results in the payment to them of their full salary.

The Safety Officer and the Assistant Workers' Compensation Agent, located in the John Jarvis House, 50 Pleasant Street can provide further information on these issues. Their extensions are respectively #3154 and #3152.

The Right-to-Know Officer is located in the Community Safety Building at 112 Mystic Street and can answer your questions about hazardous materials in the work place by calling extension #5056.

### **DISCIPLINARY ACTION & APPEAL PROCEDURES**

Employees may be disciplined up to and including termination of employment for a number of reasons including, but not limited to, poor attendance, unsatisfactory job performance, and violation of safety procedures or work rules. In case of disciplinary action, all employees should be aware of their rights.

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Those covered by collective bargaining agreements should consult their contracts for rights established therein.

Employees covered by Civil Service Law have certain rights of procedural due process including written notification, hearings, and rights of appeal in cases of transfer, abolition of position, promotion, demotion, removal, discharge, layoff, or suspension. Employees covered by Civil Service should refer to sections 41 through 46 of Chapter 31 of the Massachusetts General Laws.

In addition, employees not covered by Civil Service or collective bargaining agreements may have rights to due process secured by the United States and/or Massachusetts Constitutions.

#### **EMPLOYEE ORGANIZATIONS**

Membership in employee organizations is available to most Town employees. Employees become members of these organization based upon whether the title of the position he/she occupies is listed in a given union/organization recognition clause. You should be aware of whether or not your position is in a union/organization prior to the time that you begin work. These organizations have a right, established by law, to negotiate with management and to enter into collective bargaining agreements, but do not have the right to strike. You are encouraged to investigate the benefits that exist in your collective bargaining agreement.

#### **PERSONNEL FILES**

A central file for each employee is maintained in the Personnel Office. Information in the files is considered and treated as confidential. An employee has the right to examine his/her own file, upon request to the Personnel Director.

#### **NOTICE**

This handbook and its contents do not constitute an employment contract and are provided for informational purposes only. All information contained herein is subject to change without notice. References to state and Federal laws are merely summaries and some provisions of the information as they affect conditions of employment are subject to change as interpreted by the courts. In addition, specific cases may require a different approach. Applicable collective bargaining agreements supersede provisions of this handbook.