Certified: May 11, 2011
Jennifer L. Christy
Town Clerk

TRUE COPY ATTEST:
Jennifer L. Christy
Chilmark Town Clerk

HUMAN RESOURCES BYLAW

of the Town of Chilmark
April 25, 2011

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Section 1.0 GENERAL PROVISIONS

1.1 Purpose

The purpose of this Bylaw is to establish a system of human resources administration based on merit principles including, but not limited to:

(a) recruitment, selection and classification of employees under fair and open competition on the basis of abilities, knowledge, education and skills for the position;

(b) fair and equitable treatment of all applicants and employees in all aspects of the human resources system, without regard to age, race, religion, color, creed, gender, sexual orientation, national origin, political affiliation, or disability and with proper regard for privacy and constitutional rights;

(c) retention, where possible, and advancement of employees based on performance, work history, cooperative attitude, service to the public and the Town's fiscal stability; and

(d) ongoing review of employee goals and objectives with reasonable efforts to assist employees to enhance skills and performance.

1.2 Application

All Town Departments and personnel shall be subject to the provisions of this Bylaw and the policies and procedures adopted pursuant to this Bylaw, except elected officers, employees of the School Department, Temporary Employees and Seasonal Employees.

Whenever a provision of this Bylaw conflicts with any provision of a collective bargaining agreement or an employment agreement, the terms of the collective bargaining agreement or employment agreement shall apply pursuant to Massachusetts General Laws, as amended from time to time.

All remaining provisions of the Bylaw shall remain effective.

Where the work of employees paid by the Town of Chilmark is supervised by persons, Boards, Committees or Commissions that are not subject to this Bylaw, the provisions of the Bylaw and accompanying Human Resources Procedures Manual (HRPM) remain applicable to those employees.

Under authority granted in the General Laws of the Commonwealth of Massachusetts, non-elected paid Chilmark employees, unless otherwise stipulated in their appointment letters, are subject to annual reappointment by the Board of Selectmen. In exercising this authority, the Board of Selectmen shall be guided by the Purpose of this Bylaw as set forth in Section 1.1 above.

1.3 Definitions

The following definitions shall apply to this Bylaw:

Appointing Authority: The Board of Selectmen of Chilmark is the Appointing Authority for all Town Employees unless another Appointing Authority is specified by applicable Massachusetts General Law (MGL).

Benefits-eligible Employee: A Year-round employee whose weekly annual average number of hours worked is equal to or greater than 20 hours in a normal work week.

Classification Plan: The Classification Plan, as administered by the Human Resources Board of Chilmark (HRBC), has two components: The first is a uniform system for job classification of all positions as exempt, non-exempt or seasonal. The second component is the job grade classification of all positions to establish proper relationships between positions, based on the level of responsibilities and the minimum qualifications required to perform the job.

Compensation Plan: The regular paid wage schedule that is assigned to a position's grade and step level, administered by the HRBC.

Department Head: An elected official, appointed employee or the Chairman of a Town Board, Committee or Commission responsible for supervising a Department's operations or activities.

Exempt Employee: An employee whose position is exempt from the overtime provisions of the Fair Labor Standards Act, as amended from time to time.

Full-time Employee: A full-time employee is one who works 40 hours per work week.

General Laws: The General Laws of the Commonwealth of Massachusetts.

HRBC: The Human Resources Board of Chilmark.

Human Resources Procedure Manual (HRPM): The Manual prepared by the HRBC that defines the procedures for implementing the human resource management functions as set forth in the Town's Human Resources Bylaw. Changes to the Procedures Manual require a majority vote of approval by the HRBC and final approval by the Board of Selectmen.

Immediate Family: An employee's spouse, spousal equivalent, children, stepchildren, grandchildren, parents, parents of spouse, siblings, and those others for whom recognized legal responsibility exists.

Initial Evaluation Period: The first six (6) months of employment for all new Year-round Employees or existing Year-round Employees who assume a position within a

different Department or with a job description with duties that are different from the old position. Notwithstanding the foregoing, police officers are subject to a one-year initial evaluation period.

Non-exempt Employee: An employee whose position is subject to the overtime provisions of the Fair Labor Standards Act, as amended from time to time.

Personal Pay Rate: A rate of pay that is above the maximum rate for the job as set forth in the Compensation Plan.

Project Employee: An employee who is hired to work on a specific project for a limited period of time that shall not exceed Twelve (12) consecutive months. A Project Employee is not subject to, or have the benefits of the Bylaw, except for those provisions relating to the Classification and Compensation Plans promulgated by the HRBC. A Project Employee may be considered for re-hiring, but a project employee who wishes to return is not guaranteed a position of employment the following year or term.

Seasonal Employee: An employee who works for a limited period of time related to a particular season, as listed in the HRPM. While Seasonal Employees are subject to and are the beneficiaries of the General Laws of Massachusetts, they are not subject to the overtime provisions of the Fair Labor Standards Act nor are they subject to, or have the benefits of, this Bylaw, except for those provisions relating to the Classification and Compensation Plans promulgated by the HRBC for Seasonal Employees. Seasonal Employees may be considered for re-hiring but, seasonal employees who wish to return are not guaranteed a position of employment the following season.

Supervisor: As specified in each job description, the Board of Selectmen, an employee, Town Board, Committee or Commission Chairman who directs the activities of another employee or group of employees.

Temporary Employee: An employee who is hired on an interim basis to fill a position which is vacant temporarily or an employee who is hired for emergency purposes usually for a period of 30 days or fewer, but may be extended one additional 30-day period with the prior approval of the Appointing Authority.

Town: The Town of Chilmark.

Year-round Employee: An employee who has successfully completed the Initial Evaluation Period.

1.4 Human Resources Board of Chilmark (HRBC)

The HRBC shall consist of five voting members of the Town appointed by the Board of Selectmen for staggered terms of three years each. The HRBC shall serve without compensation.

No person employed by the Town shall be eligible to serve on the HRBC. However, there shall be an employee of the Town who is selected annually by the employees to represent them on the HRBC as a non-voting member. This employee shall bring issues to the HRBC that are of concern to all Town employees and shall report back to the employees as needed.

The mission of the HRBC is to help ensure that the Town is in compliance with all applicable employment statutes, that its employees are treated fairly and uniformly in a transparent, merit-based human resources system, and that the service delivery to Town residents and taxpayers is enhanced through a performance-driven, efficient and motivated work force.

The powers and duties of the HRBC shall include:

- Formulating policies, procedures and regulations as necessary to ensure proper human resources administration;

- Interpreting the Human Resources Bylaw and serving, advising and assisting the Board of Selectmen on its implementation;

- Developing and maintaining a Classification Plan and a Compensation Plan;

- Developing and maintaining job descriptions for positions included in the Classification and Compensation Plans;

- Periodically reviewing the wage rates of all positions subject to the Compensation Plan;

- Administering the Classification and Compensation Plans, including the placement of positions within the Classification and Compensation Plans, and recommending initial compensation, where appropriate, at step levels higher than the entry level of step 1, and making other decisions necessary for the proper management of the Classification and Compensation Plans. The HRBC may recommend a change in classification for a Year-round Employee to the Appointing Authority after receiving a request from the supervisor.

- Keeping informed of trends in compensation, human resource procedures, State and Federal employment laws and recommending to the Town any action deemed necessary;
- Advising and assisting Town Boards, Committees, Commissions and Department Heads on matters of human resources administration, as needed;

- Determining which human resource records are to be maintained and the procedures for their administration and access;

- Conducting grievance hearings, as necessary;

- Participating as an observer in human resource matters, as requested;

- Encouraging and, where practicable, requiring training programs for employees.

1.5 Human Resource Records

The HRBC shall be responsible for the preparation and maintenance of job descriptions for all positions including the determination of a position's exempt or non-exempt status.

The HRBC shall be responsible for the confidential maintenance of all human resources records and files as set forth in the HRPM. An employee is entitled to examine the contents of his or her individual human resource file(s) at a pre-arranged time and with the custodian of the files present.

Section 2.0 RECRUITMENT AND HIRING

Recruitment and hiring of prospective employees shall be conducted in a non-discriminatory manner in accordance with the procedures set forth in the HRPM and shall be consistent with the provisions of Section 1.1 above.

Section 3.0 INITIAL EVALUATION PERIOD

3.1 The first six (6) months of employment of a Year-round Employee, including any extensions thereof, or 12 months in the case of a police officer, shall be known as the Initial Evaluation Period. During the Initial Evaluation Period, an employee will be observed and evaluated on his or her conduct, performance against specified goals and objectives, and work habits.

The employee shall accrue authorized leave benefits as outlined in the Bylaw during this period, but may not use these accrued benefits as paid leave until successfully completing the Initial Evaluation Period.

During the Initial Evaluation Period the employee does not have access to the Bylaw's Grievance Procedure, and may be terminated with or without cause at any time by the Appointing Authority, upon the recommendation of the Department Head or Supervisor.

3.2 Upon completion of the Initial Evaluation Period, the Appointing Authority shall notify the employee in writing of the decision that the employee has or has not attained Year-round Employee status. This decision shall be based upon a performance appraisal and recommendation made by the employee's Department Head or Supervisor. Such notification shall be placed in the employee's human resources file as referenced in the HRPM.

3.3 The Initial Evaluation Period may be extended for no more than three (3) months at the request of the Supervisor with the approval of the Board of Selectmen.

Section 4.0 CLASSIFICATION AND COMPENSATION PLANS

4.1 Classification and Compensation Plans

The HRBC shall develop a Classification Plan and a salary Compensation Plan to promote the recruitment of qualified applicants and to reward and retain employees based on a satisfactory job performance and evaluation. The Compensation Plan may take into consideration the relative responsibilities of positions as set forth in the job descriptions, wage rates paid for comparable positions in comparable communities, as well as in the private sector, wage rates paid under collective bargaining agreements, economic conditions in the general labor market and the Town's fiscal condition. The plan, after approval by Town Meeting vote, shall be reviewed and revised as needed from time to time in order to maintain a fair and equitable compensation system for the Town.

4.2 Step Increases

Progression through the rate ranges normally will be one step annually, unless otherwise requested by the Department Head and approved by the HRBC and Appointing Authority. Step increases may be given only on the basis of satisfactory work performance as certified annually by the Appointing Authority.

4.3 Promotions and Transfers

When an employee is promoted to a higher-rated job, the employee shall enter the position at the minimum rate of the job range or at the employee's present rate, whichever is higher. The employee may also receive a step increase at that time if the Department Head feels that the employee's qualifications and performance warrant it and with Human Resources Board and Appointing Authority approvals.

If an employee is transferred and reclassified to a lower-rated job, the employee shall enter the position at the employee's present rate or at the maximum rate of the position, whichever is lower.

When rate ranges are affected by a wage increase voted by the Town, either by a fixed percentage or a fixed amount, an employee covered by the Compensation Plan and in the classifications specified, except those holding personal rates, shall benefit. An employee holding a personal rate shall not receive an increase until the maximum rate from the Classification Plan exceeds the personal rate.

No pay shall be reduced as a result of a rate range revision of the plan. If an employee receives a pay rate above the maximum rate for the job, this rate becomes a personal rate and applies only to the present employee.

Any earned, unused compensatory time shall follow the employee to his or her new position and shall be paid at the new pay rate when the time is used.

4.4 Temporary Employee Compensation

A Temporary Employee shall be paid at the entry level step 1 of a position's grade as outlined in the Compensation Plan or at a higher step as recommended by the HRBC and approved by the Board of Selectmen.

4.5 Overtime

Year-round non-exempt employees, or other employees as required by the Fair Labor Standards Act, as amended from time to time, will be paid one and one-half (1 1/2) times their regular hourly rate for all hours worked in excess of 40 hours per week within the Department where the employee is regularly employed. Overtime work must be approved by the employee's Department Head before working the extra hours.

Where overtime is performed for a Department other than the employee's regular Department, the overtime rate will be one and one-half (1 1/2) times the appropriate rate schedule for the work performed. Overtime paid to an employee working for a Department other than the employee's regular Department shall only be approved with a prior written recommendation from the Department Head for whom the work is to be performed. Leave or holiday hours utilized during a work week will not be credited as "hours worked" for purposes of calculating overtime.

4.6 Compensatory Time

There are occasions where the Town may grant Compensatory Time (Comp. Time) to non-exempt employees as set forth in the HRPM.

4.7 Police Department On-Call Compensation

Members of the Police Department shall receive on-call compensation, the amount to be determined annually by the Board of Selectmen.

Section 5.0 EMPLOYEE DEVELOPMENT AND TRAINING

To improve the quality of services provided by the Town and to help employees develop skills needed for their position, the Department Head and/or Appointing Authority shall identify effective sources of training and provide resources, where practicable, to allow designated employees to pursue training opportunities provided they are in the Town's interest.

Section 6.0 AUTHORIZED LEAVES

6.1 Vacation

6.1.1 Year-round, Benefits-eligible employees working twenty (20) or more hours per week shall be entitled to vacation leave with pay pro-rated based on their regularly scheduled hours of work per five-day work week.

6.1.2 Vacation leave shall be granted annually to Year-round, benefits-eligible employees in accordance with the following schedule:

Employees who have completed at least six (6) months, but less than one year, of continuous service: regular, budgeted paid leave. Leave shall be credited upon completion of six (6) months of employment.

Employees who have completed at least one (1) year, but fewer than five (5) years, of continuous service: 10 days/2 weeks paid leave. Leave shall be earned at the rate of 0.83 days per month.

Employees who have completed at least five (5) years, but fewer than ten (10)years, of continuous service: fifteen (15) days/three weeks paid leave. Leave shall be earned at the rate of 1.25 days per month.

Employees who have completed at least ten (10) years or more of continuous service: 20 days/4 weeks paid leave. Leave shall be earned at the rate of 1.66 days per month. At the discretion of the Board of Selectmen, a greater accrual rate may be granted based on exceptional qualifications.

6.1.3 Requests for vacation leave must be approved by the Supervisor, Department Head or Appointing Authority. Vacation leave shall be taken by the end of the fiscal year following the fiscal year in which it was earned. Vacation time not so utilized shall expire unless extended for a specified period of time by the Appointing Authority.

6.1.4 Employees who terminate their employment or retire will be eligible for payment for unused vacation time as allowed in Section 6.1.3. In the event of the death of an employee, the payment will be made to the employee's estate.

6.2 Sick Leave

6.2.1 Year-round, Benefits-eligible employees shall accrue sick leave at the rate of twelve (12) days per year. Leave shall be earned at the rate of one (1) day per month. Unused sick leave may accumulate from year to year to a maximum accumulation of sixty (60) days. A day of earned sick leave shall be equal to an employee's current average daily number of hours worked in a work week.

6.2.2 Sick leave may be granted for a medical appointment, an employee's illness or injury. For the care required for the employee's immediate family, sick leave may be used by an employee when time off is allowed as provided in Section 7.0 of this Bylaw.

6.2.3 If an employee who chooses to resign or retire has accumulated sick leave; has worked for the Town for at least five (5) years; and is in good standing, he or she shall be compensated for up to 60 days of accrued sick leave at the following rates:

5 - 10 years of continuous employment	25%.
More than 10 years of continuous employment	50%.

6.3 Injury Leave

In addition to the rights an employee has under the General Laws, as amended from time to time, an employee who is incapacitated from working due to injuries arising outside of work, and not in the course of employment for the Town, may apply sick leave to supplement disability benefits received because of such injuries. In no event shall an employee be allowed to apply sick leave which would result in his/her receiving more than his/her regular full salary.

6.4 Bereavement Leave

Bereavement Leave with pay may be granted by the Department Head to any employee to enable him/her to take care of matters caused by the death of a person with whom the employee maintained an immediate family relationship.

Bereavement Leave shall be limited to no more than five (5) sequential work days. Compensation for a Benefits-eligible Employee shall be based on the employee's regular compensation for scheduled hours for which he/she is absent.

6.5 Military Leave

The regulations as outlined in the Uniformed Services Employment and Reemployment Rights Act (USERRA), as amended from time to time, shall apply to Military Leave.

6.5.1 Leave for Military Training

In order to receive military training, a Year-round Employee who is a member of the ready reserve of the armed forces shall be granted leave not exceeding seventeen (17) days per calendar year (Reserve Duty). An employee on Reserve Duty is eligible to receive the difference between his/her regular wages or salary and military pay for no more than ten (10) working days per calendar year.

An employee shall provide notice of the date of departure and date of return on the next working day after receipt of notification, along with a copy of written military orders, and

shall provide confirmation of the completion of such training upon his or her return to work.

Absence from work for Reserve Duty as provided in this section shall not affect the employee's right to receive normal vacation leave, sick leave, family medical benefits or other employment benefits to which the employee is otherwise entitled.

Absence from work for military training as provided in this section shall not affect the employee's right to receive normal vacation leave, sick leave or other employment benefits.

6.5.2 Leave for Active Military Duty

The regulations outlined in the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, shall apply to an employee who is absent from work for active military duty. In addition to the benefits set forth in such regulations, while the employee is on active duty, the medical benefits to which the employee otherwise would have been entitled shall not be diminished on account of said service.

6.6 Parental Leave

Any leave taken under this section shall be deemed leave taken under the provisions of the Family and Medical Leave Act (FMLA).

6.6.1 Maternity/ Paternity Leave

In addition to the rights an employee has under the Massachusetts General Laws or the Federal Family and Medical Leave Act, as amended from time to time, a Year-round, benefits-eligible employee shall be entitled to maternity/paternity leave for a period not exceeding eight (8) weeks for the birth of a child or for adopting a child under the age of 18, or under 23 if the child is mentally or physically handicapped. Leave under this section shall be unpaid, unless the employee is eligible to apply for other leave, such as sick or vacation leave to which he or she is entitled, pursuant to the applicable provisions of this Bylaw. If feasible, at least two weeks advance notice shall be given prior to the commencement of Maternity/Paternity Leave.

6.6.2 Same-Sex Marriage

The Town shall be guided by applicable Massachusetts law in determining parental leave to be granted to an employee who is a spouse in a same-sex marriage.

6.7 Jury Duty Leave

An employee shall be granted leave when called for jury duty and shall be paid his or her regular wages for the first three (3) days, or part thereof, of jury service. An employee shall continue to be paid his or her regular wage if he or she continues serving on jury

duty after the first three days. The employee must provide proof of such service to the Department Head prior to receiving any compensation pursuant to this Section. Upon completion of jury duty service and after the employee receives all jury duty compensation from the court, a copy of all jury duty compensation payments shall he given to the Town Accountant. The total amount paid by the court for serving on jury duty will be deducted from the employee's next pay check. An employee is required to report for work while on jury service if released before the end of the regular work day and if the time of release will allow for at least two hours of work. When an employee is called for jury duty, the employee must notify his or her direct Supervisor the next working day.

6.8 Leave of Absence

6.8.1 Religious Observance

A Department Head may grant a leave of absence to an employee whose sincerely held religious beliefs mandate such observance, where practicable, for the observance of religious obligations and holidays to an employee that qualifies for such religious accommodation under applicable law. An employee must provide a reasonable amount of advance notice, which shall normally be ten (10) days, to the Supervisor or Board of Selectmen. An employee may take such leave as unpaid leave, charge the time to vacation, or with the approval of the Department Head or Board of Selectmen, schedule additional hours of work to compensate for the time lost.

6.8.2 Unpaid Leave of Absence

Upon the recommendation of the Department Head, the Board of Selectmen may grant an unpaid leave of absence at the request of an employee. An unpaid leave of absence may be granted to allow an employee to pursue educational opportunities, to deal with personal matters, or for such other reason as the Board of Selectmen deems reasonable and appropriate. In determining whether an unpaid leave of absence should be granted, the Board of Selectmen may consider the employee's performance, the impact of the employee's absence on the work in the Department, and/or other factors that the Board of Selectmen deems relevant.

An unpaid leave of absence may be for a period of time not to exceed one (1) year. An employee must give notice of his or her intention to return or not return to work at least one month before the authorized period for unpaid leave expires. The Board of Selectmen may at their discretion grant an extension beyond one year upon receipt of a written request from the employee at least one month in advance of the one-year expiration date.

No seniority will accrue during a leave of absence, and the employee will not be eligible for benefits during the leave period. An employee who fails to return to work upon the expiration of the approved unpaid leave will be deemed to have voluntarily terminated his or her employment. When the employee returns from a leave of absence, the

employee is eligible for, but not guaranteed, reinstatement to the same or equivalent position, if such a position exists at the time of the employee's return.

6.9 Personal Leave

Year-round, Benefits-eligible employees will be granted two (2) days of leave with pay each fiscal year for the purpose of attending to personal business which unavoidably conflicts with the employee's work schedule. Whenever possible, an employee must provide a reasonable amount of advance notice, which shall normally be ten (10) days, to the Department Head or Supervisor, with a copy of such notification to the Executive Secretary.

Section 7.0 FAMILY AND MEDICAL LEAVE

7.1 Family and Medical Leave Act (FMLA)

Year-round, Benefits-eligible Employees that actually worked at least 1,250 hours during the prior year are entitled to medical leave benefits in accordance with the provisions of the Family Medical Leave Act.

7.2 Family Necessity Leave

In accordance with General Laws, as amended from time to time, a Benefits-eligible Employee is entitled to a total of twenty-four (24) hours of Family Necessity Leave during a fiscal year, twelve (12) month period. For purposes of this Bylaw Family is defined as "Immediate Family".

In addition to other leave under this section, Family Necessity includes participation in school activities directly related to the educational advancement of the employee's child, accompanying the employee's child to routine medical or dental appointments, and accompanying an elderly relative to routine medical or dental appointments or other professional services related to the elder's care. Leave under this provision is in addition to the twelve (12) week FMLA leave provision, and may be taken on an intermittent or reduced leave schedule. Family Necessity Leave will be unpaid but the employee may apply any available paid leave to this period, pursuant to the applicable provisions of this Bylaw.

Section 8.0 CIVIC LEAVE

Any employee of the Town who serves as a volunteer emergency medical technician or firefighter may serve as an emergency responder during the employee's regular working hours. Leave under this section is unpaid unless approved by the Department Head or Supervisor.

Section 9.0 HOLIDAYS

The following holidays shall be observed on the days on which they are designated by the Commonwealth of Massachusetts and as referenced in the HRPM. A Year-round Employee who does not have an established Monday-Friday work schedule or whose regular work schedule does not include the day upon which a Holiday falls or upon which it is observed, shall be granted a paid day off on a day that is approved by his or her Supervisor. This paid day off shall be taken within the fiscal year of the observed paid Holiday. Employees shall be entitled to half days before New Year's Day, Thanksgiving Day and Christmas Day in addition to the holiday provided these half days fall on working days and the employee is not necessary to maintain essential Town services.

- New Year's Day
- Martin Luther King, Jr. Birthday
- Presidents' Day
- Patriots' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Christmas Day

Under the provisions of M.G.L. Chapter 4, Section 7, Clause Eighteen, legal holidays that fall on a Saturday shall be observed on that day. Employees assigned to work shall be given an additional day off as the law and applicable collective bargaining agreements allow. Whenever possible, the following Monday shall be used as the alternative day off. A legal holiday shall be observed on the day following when said holiday should occur on Sunday.

A Year-round, Non-Exempt Employee who is required by his or her Supervisor to work on a holiday will be compensated for the hours worked at a rate of pay equal to one and one-half (1 1/2) times his/her regular hourly rate, in addition to his or her regular pay for the day.

Section 10.0 TRAVEL REIMBURSEMENT

For approved travel, an employee and/or elected official shall be reimbursed for mileage, meals and lodging expenses incurred while engaged in Town business in accordance with the procedures set forth in the HRPM.

Section 11.0 ANNUAL PERFORMANCE EVALUATIONS

11.1 Performance evaluations of all non-elected Year-round Employees shall be conducted annually on or about the employee's anniversary date. The employee's

Supervisor, Department Head and/or Chair(s) of any Town Boards, Committees or Commissions served by the employee shall prepare a performance evaluation based on the employee's job description, the goals and objectives that were agreed to at the start of the evaluation period, and a summary of the job performance of the employee since the last evaluation. Supervisors of Seasonal Employees are encouraged to prepare performance evaluations for their employees, but are not required to do so.

11.2. The Executive Secretary shall facilitate the annual evaluations of all non-elected, Year-round Employees by their respective Supervisors, Department Heads and Chairs of Town Boards, Committees and Commissions. The Executive Secretary also shall prepare performance evaluations for all non-elected Year-round Employees who are under the Executive Secretary's direct staff oversight or under collaborative oversight of the Board of Selectmen and Departments, Boards, Committees or Commissions as indicated in the Town's Services Operation and Organization Employee & Administrative Supervision chart (Appendix Exhibit II).

11.3 Failure of a non-elected Supervisor to complete an employee's evaluation shall be included in the review of this Supervisor. This Supervisor shall not receive any pay increase or longevity credit until such time as the evaluation is completed.

11.4 The Board of Selectmen, upon the annual nomination of its Chair, shall designate one of its members to oversee the performance evaluation process and to ensure that it is completed in full within each fiscal year.

11.5 Within each fiscal year, copies of all performance evaluations shall be submitted to the Chair of the HRBC for review.

Section 12.0 DISCIPLINARY ACTION

12.1 In a circumstance where a Supervisor or Department Head believes a Disciplinary Action will lead to an employee being placed on disciplinary probation or termination, the following steps must be taken before initiating any Disciplinary Action:

- The Supervisor or Department Head discusses the situation with the Chairman of the HRBC.
- The Chairman of the HRBC and the Supervisor or Department Head shall agree upon the proper method for gathering the facts of the issues for review.
- If after reviewing the facts with the Chairman of the HRBC it is determined formal disciplinary actions must be taken, the disciplinary plan shall be reviewed with the Chairman of the HRBC, a member of the Board of Selectmen and Town Counsel before Disciplinary Action is initiated.

12.2 Disciplinary actions, including but not limited to, an oral or written warning, suspension without pay, demotion, and/or termination shall not be imposed upon an employee arbitrarily or capriciously. It is expected that the Department Head shall

identify problems with an employee's conduct and discuss remedial actions with the employee well before the time when formal disciplinary action is initiated. An employee receiving a Disciplinary Action has the right to discuss the Disciplinary Action in an executive session or as a public discussion in accordance with open meeting laws.

12.3 The degree of discipline imposed shall be commensurate in the judgment of the Appointing Authority with the severity of the offense and prior work and disciplinary history of the employee.

12.4 Employee Use of Outside Counsel

An employee facing disciplinary action that may involve probation, suspension, demotion or discharge may bring in outside counsel, at his/her own expense, to assist him or her at any stage of the process. However, the employee must give prior notice to the Executive Secretary or Appointing Authority in writing, with a copy to the Chair of the HRBC, that he/she is taking such action.

Section 13.0 GRIEVANCE PROCEDURE

Any Year-round Employee who believes that he or she has not received equitable treatment concerning some condition of employment, including a hostile workplace environment or administration of this Bylaw, may seek review of his or her complaint in accordance with the procedures as set forth in the HRPM.

Section 14.0 LONGEVITY

14.1 Year-round, Benefits-eligible Town employees are to receive longevity increments as follows:

a. Upon completion of ten (10) years of continuous employment to the Town, an employee shall be paid a bonus payment of One Percent (1 %) of his/her current annual base salary.

b. Upon completion of fifteen (15) years of continuous employment to the Town, an employee shall be paid a bonus payment of Two Percent (2%) of his/her current annual base salary.

c. Upon completion of twenty (20) years of continuous employment to the Town, an employee shall be paid a bonus payment of Three Percent (3%) of his/her current annual base salary.

d. Upon completion of twenty-five (25) years of continuous employment to the Town, an employee shall be paid a bonus payment of Four Percent (4%) of his/her current annual base salary.

14.2 Upon approval of the Department Head or Appointing Authority, longevity payments shall be paid to an employee on his or her anniversary date with approval of the HRBC.

14.3 Continuous employment shall mean employment uninterrupted except by authorized leave. Unpaid leave periods shall not be included in the calculation of years of employment.

Section 15.0 GROUP HEALTH AND LIFE INSURANCE

A benefits-eligible, Year-round Employee is eligible for group insurance including health and life insurance and other insurance approved by the Town Meeting in accordance with the provisions of the General Laws, as amended from time to time.

Section 16.0 RETIREMENT

The retired employee is eligible for group health and life insurance approved by the Town Meeting in accordance with the provisions of the General Laws, as amended from time to time. Medicare eligible retirees shall enroll in Medicare Parts A & B at 65 years of age. Thereafter the retiree will be eligible for a Medicare supplement plan through the Town. Retirees not eligible for Medicare will be allowed to continue their existing health plan through the Town.

Section 17.0 ENACTMENT

This Bylaw is effective upon approval at Town Meeting and subsequent approval by the Massachusetts Attorney General. All prior Personnel Bylaws are invalid upon Town Meeting and Attorney General approval of this Bylaw.