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**PERSONNEL BYLAW**

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A true copy.  
Attest:

  
Margaret T. Orlando  
Town Clerk

9:27 am APRIL 11, 2001

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*Section 1.0 General Provisions*

1.1 Purpose

The purpose of this bylaw is to establish a system of personnel administration based on merit principles including, but not limited to: (a) recruitment, selection and classification of employees on the basis of ability, knowledge, education and skill for the position, under fair and open competition; (b) fair and equitable treatment of all applicants and employees in all aspects of the personnel system, without regard to age, race, color, creed, gender, sexual orientation, national origin, political affiliation, or disability and with proper regard for privacy and constitutional rights; © retention, where possible, and advancement of employees based on performance, work history and town's fiscal stability, with recognition of the desire to make reasonable efforts to assist employees to overcome inadequate performance.

1.2 Application

All Town departments and positions shall be subject to the provisions of this bylaw and policies adopted pursuant to this bylaw, except elected officers and employees of the School Department. Nothing herein, however, shall bar using the plan or its provisions or facilities or committees in determining compensation of such otherwise exempted employees or officials. Whenever a provision of this bylaw conflicts with any provision of a collective bargaining agreement, the terms of the collective bargaining agreement shall apply pursuant to Massachusetts General Laws, Chapter 150E. All remaining provisions of the bylaw shall remain effective.

1.3 Definitions

The following definitions shall apply:

"Appointing authority," the Town of Chilmark Board of Selectmen.

"Board," the Personnel Board of Chilmark.

"Casual Employee," a non-elected employee working less than 20 hours in a normal work week.

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"Department head," the officer, and/or the Chairman of a Board or Commission of the Town of Chilmark as designated by the Appointing Authority , responsible for supervision a department's operations and activities.

"Exempt employee," an employee whose position is not covered by, or is exempt from provisions of the Fair Labor Standards Act.

"Full-time employee," an employee regularly scheduled to work thirty-seven and one half (37½) hours per week for fifty-two (52) weeks per year.

"General Laws," the General Laws of the Commonwealth of Massachusetts.

"Immediate family," an employee's spouse, spousal equivalent, children, grandchildren, parents, siblings, and parents of spouse, and those others for whom recognized legal responsibility exists.

"Non-exempt employee," an employee whose position is subject to the provisions of the Fair Labor Standards Act.

"Part-time employee," an employee working twenty (20) hours or more and less than thirty-seven and one half (37½) hours per week for fifty-two (52) weeks per year.

"Permanent employee," an employee who has successfully completed the probationary period.

"Probationary period," the first six (6) months of employment for all employees.

"Temporary employee," an employee whose fixed tenure of service is stipulated at the time of hire, excluding those who are appointed to serve in positions for which a term of office is stipulated by law or bylaw.

"Town," the Town of Chilmark.

#### 1.4 Personnel Board

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There shall be a Personnel Board consisting of five members appointed by the Board of Selectmen for terms of three years each, so arranged that the terms of office of as nearly equal number of members as is possible expire each year. No person employed by the Town shall be eligible to serve on the Personnel Board. The Board shall serve without pay. There shall, however, be an employee of the Town who is selected by the employees annually who may sit on the Personnel Board as a non-voting member of the Board. This employee shall bring issues to the Board that are of concern to all Town employees and shall report back to the employees as needed.

The powers and duties of the Board shall include:

- ▶ establishing of polices, procedures and regulations necessary to ensure proper personnel administration
- ▶ developing and maintaining a classification plan and a compensation plan
- ▶ maintaining job descriptions of job titles for positions included in the classification plan
- ▶ maintaining records as deemed necessary
- ▶ reviewing pay scales of all positions subject to this plan
- ▶ keeping informed as to trends in pay and personnel policies and recommending to the Town any action deemed necessary
- ▶ administering the classification and compensation plan, including the placement of positions with the plan, and authorizing initial compensation, where appropriate, at levels higher than the minimum pay rate, and making other decisions necessary for the proper management of the classification and compensation plans.
  
- ▶ Communicate with the Selectmen, Town Boards, and Department Heads, as needed.

#### 1.5 Personnel Records

The Board shall maintain records, including the job descriptions for all positions.

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Each department shall maintain and submit to the Executive Secretary on a monthly basis records personnel records as the board may require:

- ▶ Each Department Head will maintain records relating to each employee's tenure of service, including performance evaluations, letters of commendation received, training and certifications, and disciplinary action for each employee. Any record which contains personal medical information shall be retained in a separate confidential file, access to which shall be limited to those individuals who have a critical need for the information. No confidential information shall be released or disclosed to any third party without written authorization from the employee.
- ▶ Employees are entitled to examine the contents of their individual personnel files at a time that has been arranged with the custodian of the file.
- ▶ Each department shall maintain attendance records for its employees. These records will include, for each employee, the following: hours of regular pay; hours of overtime pay; hours of stand-by duty (on call) ; hours and type of paid leave, available and taken; and hours and type of authorized unpaid leave taken.

### *Section 2.0 Recruitment and Hiring*

- 2.1 Recruitment of prospective employees shall be conducted in a non-discriminatory manner.
- 2.2 With the approval of the appointing authority, a department head seeking to fill a position shall post a notice of vacancy for the position. The notice will include the job title, initial rate of pay or pay range, summary statement of duties, minimum qualifications relating to education, skills, or experience, directions for submitting applications, and deadline for receipt of applications. Deadline for receipt of applications will be no sooner than ten (10) days after posting. The notice will be posted in the Town Office Building.

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- 2.3 Employment opportunities shall be published in professional journals and the journal of record.
- 2.4 In emergency situations, temporary employees may be hired for a period not to exceed thirty (30) days without posting or advertisement of the vacancy. Said temporary appointments may be extended for thirty day periods, should emergency situations dictate. Notwithstanding any other provision of this bylaw, wages for temporary employees, employees funded by federal or state grant and intern hires shall be determined by the Personnel Board.
- 2.5 All applicants for employment will complete a official employment application form which shall be retained by the appointing authority. The form will include a statement signed by the applicant certifying to the truthfulness and accuracy of all information provided on the form.
- 2.6 Appointing authorities will review applications from candidates and make their selection based on qualifications, including successful completion of any examination that measures ability to perform the essential functions of the job and receipt of satisfactory references from prior employers, supervisors or others who are familiar with the applicant's job performance.
- 2.7 A pre-employment physical examination will be required of all full-time and regular part-time new personnel by a qualified physician of the employee's choice, in order to insure that the employee is capable of performing the essential duties of the position. The report is to be made on a form to be provided by the Town of Chilmark; examination is to be at the expense of the Town.

Offers of employment to prospective uniformed members of the police department shall be conditional upon the candidate successfully passing medical and physical fitness examinations conducted at the Town's expense to determine whether the candidate is able to perform the essential functions of the position with reasonable accommodation.

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- 2.8 Accepted offers of employment will be confirmed in writing to the selected applicant, including starting date and hours of work, initial salary or rate of pay, and indicating whether the position is part-time or full-time, temporary or permanent, and exempt or non-exempt.

*Section 3.0 Probationary Period*

- 3.1 The first six (6) months of employment shall be a probationary period. During the probationary period, employees will be observed and evaluated concerning their conduct, performance and work habits. Probationary employees may not take vacation leave and do not have access to the grievance procedure.
- 3.2 The appointing authority will notify the employee in writing of a decision to terminate or, upon successful completion of the probationary period, that the employee has attained permanent status. The employment of a probationary employee may be terminated, with or without cause, at any time by the appointing authority.

*Section 4.0 Classification and Compensation Plans; Employee Development and Training*

4.1 Classification and Compensation Plans

The Board may adopt a uniform system for the classification of positions to establish proper relationships between positions, based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same Compensation Plan may be applied to each class.

The Board shall adopt 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 will take into consideration the relative responsibilities of positions as set forth in 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 policies. The plan shall be reviewed and be revised annually

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in order to maintain a fair and equitable compensation system for the Town. This shall be done prior to the preparation of the budget.

4.2 Step Increases

Progression through the rate ranges normally will be one step annually, unless otherwise requested by the Appointing Authority and approved by the Personnel Board. 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

1. When an employee is promoted to a higher rated job, the employee shall enter at the minimum of the job range or at his own rate, whichever is higher. He may also receive a step increase at that time, if the department head feels that qualifications and performance warrant it and the Personnel Board recommends it.

2. If an employee should be transferred and reclassified to a lower rated job, he shall enter it at his own rate or at the maximum of the job, whichever is lower.

3. When rate ranges are affected by a wage increase voted by the Town, either fixed percentage or fixed amount, all employees covered by the compensation plan and in the classifications specified, except those holding personal rates, shall benefit. Those holding personal rates shall not receive increases until the maximum from the classification exceeds the personal rate.

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

4.4 New Personnel

The hiring rate shall be at the minimum of the rate range for the job unless the Department Head requests compensation at a higher rate based upon exceptional qualifications or a lack of qualified applicants available at the minimum rate. Such request shall be made to the Personnel Board in writing



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by the Department Head at the time of employment. The Personnel Board shall approve or disapprove the request.

4.5 Employee Development and Training

The Board shall foster and, where practicable, promote programs of training for employees to improve the quality of services provided by the Town and to help employees develop skills needed for career development. Appointing authorities and department heads shall identify effective sources of training and provide resources, where practicable, to allow designated employees to pursue training opportunities.

4.6 Overtime. Regular Full Time Employees, who are not "exempt" pursuant to the Fair Labor Standards Act, 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. Where overtime is performed for a department other than the employees regular full time department, the overtime rate will be time and one half the appropriate rate schedule for the work performed. Overtime paid to an employee working for a department other than the employee's regular full time department will only be approved with a prior written recommendation from the department head for whom the work is to be performed and with the approval of the Personnel Board. Leave hours utilized during a work week will not be credited as "hours worked" for purposes of calculating overtime.

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

*Section 5.0 Authorized Leaves*

5.1 Vacation

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5.1.1 Vacation shall be granted annually to permanent employees in accordance with the following schedule:

Employees who have completed at least six (6) months, but less than one year, of continuous service: 5 Days paid leave. Said 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 paid leave. Leave shall be earned at the rate of .83 days per month.

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

Employees who have completed at least ten (10) years of continuous service: 20 Days 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

5.1.2 Part-time employees shall be entitled to vacation leave with pay on the same basis as full-time employees, pro-rated based on their regularly scheduled hours of work per week.

5.1.3 Requests for vacation leave must be approved by the department head or appointing authority. Vacation leave shall be taken within 120 calendar days following the end of the fiscal year in which it is first available, unless a request for extension has been approved. The department head, or appointing authority, may grant an extension of a further 60 days in which to use the prior year's vacation. Vacation time not so utilized shall be forfeited.

5.1.4 Employees who have exhausted all their sick leave benefits may, with the approval of the department head, or appointing authority, have their absence charged to vacation.

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5.1.5. Employees who terminate their employment will be eligible for payment for unused vacation time as allowed in Section 5.1.3. In the event of a death, the payment will be made to the employee's estate.

5.2 Sick Leave

5.2.1 Full-time and part-time employees shall accrue sick leave at the rate of twelve (12) days per year. Leave shall 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.

5.2.2 Part-Time Employees shall be entitled to accrued sick leave with pay pro-rated on the same basis as full time employees, based on their regularly scheduled hours of work per week.

5.2.3 Sick leave may be granted for absence required by the employee's illness or injury, or for the care required for the employee's immediate family, as provided in Section 6.0 of this bylaw.

5.2.4 An employee using sick leave must notify the department head, or appointing authority, as early as possible on the first day of absence from work. The department head may require a physician's certification of the employee's inability to work, if the absence is of three (3) days or more duration, or if there is a series of repeated absences over the prior year.

5.2.5 If an employee has accumulated sick leave and worked for the Town for at least 5 years at termination employees in good standing shall compensated for sick leave which has been credited but not used at the following rates:

5 - 10 years of continuous employment	25%
10 or more years of continuous employment	50%.

5.3 Injury Leave

In accordance with General Laws, c. 152 as amended, employees who are incapacitated from working due to injuries arising out of, and in the course of employment, may apply sick leave to supplement disability benefits received

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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 regular full salary.

5.4 Bereavement Leave

Bereavement leave may be granted by the department head to any employee to enable him or her to take care of matters caused by the death of a member of his or her immediate family. Bereavement leave shall be limited to no more than five (5) sequential work days. Compensation for part-time employees shall be based on the employee's regular compensation for scheduled hours for which he or she is absent.

5.5 Military Leave

All permanent full-time and part-time employees who are members of the ready reserve of the armed forces shall be granted leave not exceeding seventeen (17) days per calendar year, in order to receive military training. Employees shall provide notice of the date of departure and date of return immediately upon notification, and shall provide confirmation of the satisfactory completion of such training upon his or her return to work.

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

Employees will be eligible to receive the difference between their regular wages or salary and military pay for no more than ten (10) working days per calendar year.

5.6 Maternity Leave

In accordance with General Laws, c. 149, §105D and 804 Code of Massachusetts Regulations 8.0, a female employee who has been employed by the Town for at least six (6) consecutive months, as a full-time employee, shall be entitled to leave for a period not exceeding eight (8) weeks for the purpose of giving birth or for adopting a child under the age of 18, or under 23 if the child is mentally or physically handicapped. In order to be eligible for

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leave under this section, the employee is required to give two (2) weeks notice in advance of the anticipated date of departure, stating her intention to return and anticipated date of return. Upon her return to work, the employee is entitled to be restored to her previous position, or to a similar position which has the same status and pay as her previous position, and to the length of service credit and seniority as of the date of her leave. In the event that the employee's position is no longer available as a result of a reduction in force, the employee shall be provided the same opportunities and rights afforded other employees in her job title. Part-time employees are also eligible for leave under this section. Leave under this section shall be unpaid, unless the employee is eligible to apply other leave, such as sick leave or vacation to which she is entitled, pursuant to the applicable provisions of this bylaw.. Any leave taken under this section shall be deemed leave taken under the provisions of Section 6.0, *Family and Medical Leave*.

5.7 Paternity Leave

Paid leave shall be granted by Department Head in the event of birth or adoption of his child. Leave shall be limited to five (5) working days and shall be taken within thirty (30) days of the event..

5.7 Jury Duty Leave

Employees shall be granted leave when called for jury duty and shall be paid their regular wages for the first three (3) days, or part thereof, of jury service. Employees will be paid the difference between their regular wages and the amount paid by the court after serving three (3) full days of Jury Duty, provided employees present evidence of compensation received from the court to the Town Accountant. Employees are 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 the immediate supervisor immediately. The employee must provide proof of service to the Department Head prior to receiving any compensation pursuant to this section.

5.8 Leave of Absence

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5.8.1. Department heads may grant employees leave, where practicable, for the observance of religious obligations and holidays. Employees must provide a reasonable amount of advance notice, which shall normally be ten (10) days, to the department head or appointing authority. Employees may take such leave as unpaid leave, charge the time to vacation or, with the approval of the department head or appointing authority, schedule additional hours of work to compensate for the time lost.

5.8.2 Department heads, or the Appointing Authority, 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 Department Head or the Appointing Authority deems reasonable and appropriate. An unpaid leave of absence may be for a period of time not to exceed one (1) year, as approved by the Department Head or Appointing Authority. No seniority will accrue during a leave of absence and the employee will be eligible for no benefits during the leave. 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.

In determining whether an unpaid personal leave of absence should be granted, the Department Head or Appointing Authority will consider the employees performance, the impact of the employees absence, on the work in the department, or other factors that the Department Head or Appointing Authority deems relevant. When the employee returns from a leave of absence, the employee is eligible, but not guaranteed, reinstatement to the same or equivalent position, if such a position exists at the time of the employee's return.

#### 5.9 Personal Leave

Full-time and part-time 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. Employees must provide a reasonable amount of advance notice whenever possible, which shall normally be ten (10) days, to the department head, or appointing authority.

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*Section 6.0 Family and Medical Leave*

6.1 Definitions

The following definitions shall apply to this section:

"Health care provider," a doctor of medicine or osteopathy authorized to practice within the located state, or any person determined by the Secretary of Labor, or others capable of providing health care services as defined by the Department of Labor Family and Medical Leave Act rules.

"Intermittent leave," time away from the job taken in separate blocks of time due to a single illness or injury.

"Reduced leave schedule," a reduction in the number of hours per work day or work week.

"Serious health condition," an illness, injury, impairment or physical or mental condition that involves:

- a. incapacity or treatment as an inpatient in a hospital, hospice or residential medical care facility; or
- b. incapacity requiring absence from work or other activities for more than three (3) calendar days and involves continuing treatment of a health care provider; or
- c. continuing treatment by a health care provider for a chronic or long-term health condition which is incurable or if left untreated would result in incapacity for more than three (3) calendar days.

"Twelve month period," a "rolling" period measured backward from the date an employee uses any family and medical leave.

6.2 Eligibility

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Employees who have completed at least twelve (12) months of employment with the Town and who have worked at least 1,250 hours during the preceding twelve (12) months.

6.3 Policy

Eligible employees will be granted a leave for up to twelve (12) weeks during any twelve (12) month period for:

- a. family leave due to the birth, adoption or placement of a child (foster care);
- b. medical leave due to an employee's serious health condition;
- c. medical leave due to an employee's care of a spouse, child or parent who has a serious health condition.

6.4 Notice Requirements

At least thirty (30) days in advance, the employee shall submit to the department head or appointing authority, if there is no department head, a written notice of his or her intent to take family or medical leave and the dates and expected duration of the leave. If thirty (30) days notice is not possible, the employee shall give notice as soon as practicable.

6.5 Certification Requirement

6.5.1 In connection with family leave, employees shall, upon request of the department head or appointing authority, provide proof of birth, adoption or placement of a child.

6.5.2 In connection with medical leave, employees shall, upon request of the department head or appointing authority, provide medical certification which shall include:

- a. In the case of the employee's illness, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the provider has personally examined the employee,



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identification of the serious medical condition, unless it is confidential in nature, with date of onset and probable duration, and stating that the employee is unable to perform his or her duties due to the specific illness or injury on the days in question.

- b. In the case of care for a spouse, child or parent, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the spouse, child or parent has been determined to be seriously ill and needing care on the days in question.

6.5.3 Employees must provide certifications requested under this section within fifteen (15) days of being asked to do so.

6.5.4 An appointing authority may require, at the Town's expense, a second opinion from a health care provider designated by the Town. If there is a conflict between the second opinion and the original medical certification, the appointing authority may seek a third opinion, at the Town's expense, from a health care provider designated or approved by both the Town and the employee.

6.5.5 Employees may be required to provide recertification, including the employee's affirmative commitment to returning to work and anticipated date of return after each thirty (30) day period of medical leave, or at shorter intervals, if the employee requests an extension of leave; if there are significant changes from the original certification circumstances; or if the Town receives information which casts doubt on the validity of the certification.

## 6.6 Intermittent and Reduced Leave Schedule

Employees may request medical leave on an intermittent leave, or on a reduced leave schedule, if medically necessary or if necessary to provide care for a family member. When such leave is requested, every effort shall be made to meet the employee's needs without unduly disrupting the Town's operations.

## 6.7 Compensation and Benefits

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6.7.1 Leave under this section shall be unpaid, unless an employee applies other paid benefits leave that may be available, such as vacation leave, personal leave, or sick leave. Use of such paid leave will not extend the total length of leave time available under this section beyond twelve (12) weeks in a twelve (12) month period.

6.7.2 Employees who are on unpaid family or medical leave shall not be eligible for any holiday pay or other compensation for any holidays which occur during the leave.

6.7.3 During the time an employee is on unpaid family or medical leave, the employee shall be entitled to group health insurance coverage on the same terms and conditions in effect at the time the leave began, provided the employee pays the required employee share of premium while on leave. If the employee fails to return to work from unpaid leave, the Town may recover from the employee any additional cost incurred in maintaining insurance coverage for the duration of the employee's leave.

#### 6.8 Reemployment Rights

At the expiration of family or medical leave, the employee will be returned to the same or equivalent position with the same status, pay and length of service as of the start of the leave. If, during the period of the leave, employees in an equivalent position have been laid off through no fault of their own, the employee will be extended the same conditions of employment, rights or benefits, if any, extended to employees of equal length of service in the equivalent position in the department.

#### 6.9 Coordination with Maternity Leave

Leave taken under Section 5.6 shall be deemed family and medical leave so that the total amount of leave shall not exceed twelve (12) weeks in a twelve (12) month period.

#### 6.10 Family Business Leave

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In accordance with General Laws, c. 149, §52D, an eligible employee is entitled to a total of twenty-four (24) hours of leave during a twelve (12) month period, in addition to other leave under this section, to participate in school activities directly related to the educational advancement of the employee's child; to accompany the employee's child to routine medical or dental appointments, and to accompany an elderly relative, as defined in §52D, 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 business leave may be unpaid, or the employee may apply any paid leave, pursuant to the applicable provisions of this bylaw that he or she has available.

*Section 7.0 Civic Leave*

7.1 Any employee of the Town who serves as a volunteer emergency medical technician or firefighter may serve as an emergency responder during the employees regular working hours *with loss of pay unless approved by the department head(s)*.

*Section 8.0 Holidays*

8.1 The following holidays shall be observed on the day on which they are designated by the Commonwealth of Massachusetts.

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

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In addition, employees shall be entitled to half days before New Year's Day, Thanksgiving and Christmas, providing that these half days fall on working days and the employee is not necessary to maintain essential Town services.

- 8.2 Permanent full-time employees will be excused from working on the holidays without loss of pay.
- 8.3 Part-time employees will be excused from working on holidays which fall or are observed on days they are regularly scheduled to work without loss of pay. If a part-time employee is not scheduled to work on a holiday, he or she will be excused from work without loss of pay on an alternate day to be designated, with the approval of the department head.
- 8.4 Temporary employees and part-time employees who do not have an established work schedule, or whose regular schedule does not include the day on which a holiday falls or is observed, will not be eligible for holiday pay.
- 8.5 Non-exempt employees who are required to work on a holiday will be compensated for the hours worked at a rate of pay equal to one and one-half times their regular hourly rate, in addition to their regular pay for the day. This provision shall not apply to temporary employees hired for a seasonal appointment.

#### *Section 9.0 Travel Reimbursement*

##### 9.1 Policy

Employees and elected officials shall be reimbursed for mileage, meals and lodging expenses incurred while engaged in Town business.

##### 9.2 Procedure

- a. Mileage. Employees and elected officials shall submit requests for reimbursement to department heads at such intervals and with such supporting documentation as the department head may require. The rate of reimbursement shall be the current IRS rate per mile.

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- b. Meals, lodging, and out of pocket expenses. Employees, and elected officials shall obtain prior approval of the department head, or appointing authority, before incurring expenses in connection with a trip on Town business. Requests for reimbursement shall be made within two (2) weeks of the completion of the trip, and shall include receipts documenting the expenses. In the event that receipts are not available, the employee shall provide a signed explanation of the expenses. Reimbursement for meals and lodging shall not, in any event, exceed the current federal government per diem rate. Reimbursement for a rate higher than the government per diem rate shall be approved by the Department Head prior to departure.

### *Section 10.0 Disciplinary Action*

- 10.1 Disciplinary action including but not limited to reprimands, warnings, suspensions without pay, demotions, and/or termination shall not be imposed upon employees arbitrarily or capriciously.
- 10.2 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. Disciplinary action may include the following actions, as appropriate, in individual situations and circumstances.

#### 10.2.1 Oral Warning

A department head may issue an oral warning to an employee when he or she has observed, or otherwise become aware of, unacceptable conduct. The warning shall be issued in a private setting away from other employees or the public. The reasons for the warning will be stated to the employee. A record of the oral warning will be made in the employee's personnel file maintained by the department.

#### 10.2.2 Written Warning

If an oral warning has failed to correct the unacceptable conduct, or where the conduct merits more serious initial action, the department head may issue a written warning to the employee. The reasons for the warning will be stated with the required change in conduct or behavior. A copy of the written warning will

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be placed in the employee's personnel file maintained by the department, a copy of which shall be given to the employee.

#### 10.2.3 Disciplinary Probation

If a warning, or warnings, fail to correct unsatisfactory job performance, or other unacceptable conduct, or when such conduct merits more serious initial disciplinary action, the employee may be placed on a disciplinary probation period not to exceed three (3) months, at the direction of the department head, with the approval of the appointing authority. The employee will receive a written notice at least three (3) days prior to the commencement of the probationary period stating the reasons for the probation, and the standards by which satisfactory completion of the probation will be determined. Upon conclusion of the probationary period, the department head will notify the employee and appointing authority whether he or she recommends the employee be retained or terminated from employment.

#### 10.2.4 Suspension

An employee may be suspended without pay for a period not to exceed forty-five (45) days without pay by his or her department head, with the approval of the appointing authority. The employee will be given written notice of the reason for the suspension and the length of the suspension. Notice will be given three (3) days prior to the commencement date, unless the suspension is for such serious conduct that it is in the best interest of the Town that it begin forthwith, in which case notice will follow within three (3) days.

#### 10.2.5 Demotion or Discharge

Any employee may be demoted to a position of lower rank, or dismissed, for unsatisfactory job performance, violation of Town regulations including this bylaw, misconduct of sufficient severity, or after the exhaustion of other disciplinary measures.

### *Section 11.0 Grievance Procedure*

Any employee who has completed the probationary period who believes that he or she has not received equitable treatment concerning some condition of employment,

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including administration of this bylaw, may seek review of his or her complaint. A complaint must first be brought to the attention of the employee's direct supervisor. If the employee is not satisfied with the results of the discussion with the supervisor, he or she may bring the matter to the attention of the department head, or appointing authority.

If the employee is not satisfied with the results of the review by the supervisor or department head, he or she may submit the complaint in writing to the Personnel Board. The Board will conduct an investigation into the facts alleged in the grievance, and will meet with the employee and the person or persons who initiated the grievance. The Board will make every effort to resolve the grievance promptly and fairly. If the Board is unable to resolve the grievance to the employee's satisfaction within fourteen (14) days of meeting with the employee, the Board will provide the employee with a written statement of its position within an additional seven (7) days. This procedure shall be the exclusive means of seeking redress for an alleged violation of this bylaw.

### *Section 13.0 Longevity*

13.1 Permanent full-time, part-time non-elective town employees, and casual employees working fifty-two weeks per year 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 their 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 their 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 their current annual base salary.

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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 their current annual base salary.

2. Upon approval of the Department Head or Appointing Authority, longevity shall be paid to an employee on their anniversary date.

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 14.0 Group Health and Life Insurance*

Town Employees are eligible for group insurance including health and life insurance and other insurance approved by the Town Meeting in accordance with the provisions of Chapter 32B of the Mass General Laws.

#### *Section 15.0 Retirement*

All regular employees are included in the Contributory Retirement System in accordance with the provisions of Chapter 318 of the Acts of 1936 as amended of the Massachusetts General Laws. Also Section 2, 9F of the Acts of 1972 assures that insurance does not reduce on retirement but remains the same as during employment. The employee shall continue to pay the cost at the rate determined by Town Meeting.

#### *Section 16. Performance Evaluations*

Annually a performance evaluation shall be completed for all non-elected employees of the town by the department head(s). This evaluation shall include a summary of the job performance of the employee since the last evaluation and shall state whether or not the employee has completed the goals and objectives that were agreed to at the start of the evaluation period. The evaluation shall include the certification for a step increase or the denial or a step increase by the Department Head or the Appointing Authority. The employee's new rate, if any, will become effective on July 1st of the next fiscal year. The Department Head will provide the employee with a copy of the



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evaluation and the employee will have the right to comment on the evaluation in writing and shall sign the evaluation. A copy of the evaluation will be kept in the permanent file of the employee.

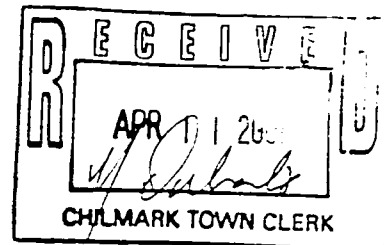
If the employee disagrees with the evaluation, the employee may bring the matter to the Personnel Board in accordance with Section 11.0.

Failure of a Department Head(s) to complete an evaluation shall in turn be included in the review of the Department Head, and said Department Head will not receive a step increase at the beginning of the fiscal year until such time as the evaluation(s) are completed. If the fiscal year has started without a completed evaluation, and the department head then completes the evaluation, the department head will receive the step increase if recommended by the Personnel Board. However, no retroactive compensation will be made. An employee may go to the Board of Selectmen if their evaluation is not completed prior to the start of the fiscal year and request that an evaluation be completed.

All performance evaluations must be submitted to the Personnel Board prior to the Annual Town Meeting for review and recommendations.

This Bylaw shall be effective July 1, 2001.

This Bylaw was moved, seconded and unanimously approved by the Personnel Board on April 7, 2001.



*Town of Chilmark  
Personnel Bylaw*