



CITY OF NEWBURYPORT, MASSACHUSETTS

DONNA D. HOLADAY  
MAYOR

# EMPLOYEE HANDBOOK

This Employee Guidebook is prepared to provide information and guidance for City of Newburyport employees. The City reserves the right to change, add to, or delete any of the provisions in this Guidebook at any time.

This Employee Handbook is not a contract of employment.

**March 2016**

**TABLE OF CONTENTS**

**INTRODUCTION**

Welcome Message	4
Overview	4
Outline of City Government	5
Employee Relations Philosophy	6
Suggestions and Ideas	7

**HUMAN RESOURCES MANAGEMENT**

Administration	7
Records	8
Employee Organizations	8
Supervisors	8
Employees	8
Bulletin Boards/Posting of Information	9
Pay Period/Pay Days	9
Payroll Deductions	9
Garnishments, Liens, Trustee Process	9

**EMPLOYEE SELECTION**

Applications for Employment	10
Selection, Appointment	10
Equal Employment Policies	10
Criminal Offender Records Information (CORI)	11
Start Date and Employee Orientation	11
Employment of Relatives	12
Temporary Worker's Policy	12

**CLASSIFICATION AND COMPENSATION**

Position Classification	12
Compensation Plan	13
Step Increases	13

**WORKING CONDITIONS**

Probationary Period	13
Hours of Work	13
Attendance Record	14
Promotions/Transfer	14
Re-Employment	14
Reinstatement	15
Safety Policy	15
Emergency Closing	15

**EMPLOYEE BENEFITS**

Health Insurance Plans	16
Dental Insurance Plans	16
Consolidated Omnibus Budget Reconciliation Act	16
Health Insurance Portability and Accountability Act	17
Retirement Plan	18
Unemployment Compensation	18
Worker's Compensation	18
Employee Assistance	19

**CONDITIONS OF EMPLOYMENT**

Standards of Conduct	19
Political Activity	22
Performance Evaluation	23
Dress Code	23

**TRAINING AND DEVELOPMENT**

On the Job Training	24
Educational Assistance	24
Travel Policies/Reimbursable Expense	24

**PERSONNEL POLICIES**

Sick Leave	26
Vacation Leave Policy	27
Holiday Leave Policy	28
Maternity Leave Policy	28
Bereavement Leave Policy	29
Jury Leave Policy	29
Family and Medical Leave Policy	30
Small Necessities Leave Policy	31
Military Leave Policy	32
Domestic Violence and Abusive Situational Leave	32
Standards for Lateness/Absence	32
Access to Personnel Files Policy	33
Religious Holidays	34
Hours of Work and Overtime Policy	34
Harassment Policy	35
Definition of Sexual Harassment	36
Procedures for Reporting Incidents	39
Sanctions	39
Employee Media Relations Spokesperson Policy	40
Alcohol and Drug-Free Workplace Policy	46
Smoking in the Workplace	48
Serious Disease Policy	48
Technology Resources Information	49
Cellular Phone Policy	54
Workplace Violence Policy	55
Departmental Security Audits	57
Employee Training	57
Vehicle Safety and Use Policy	57
Employment of Minors Policy	62
Equal Employment Opportunity/Affirmative Action	67
Americans with Disability Act Grievance Procedures	69
Prohibition of Gifts	73

**DEFINITIONS** 74

**EMPLOYEE GUIDEBOOK ACKNOWLEDGEMENT** 76

**VEHICLE SAFETY AND USE POLICY ACKNOWLEDGEMENT** 77

**INFORMATION TECHNOLOGY RESOURCES USE POLICY** 78

**FORMS**

- EMPLOYMENT APPLICATION
- TRAVEL/TRAINING REQUEST
- VACATION REQUEST
- VACATION CARRY-OVER REQUEST

## **WELCOME MESSAGE**

Dear City of Newburyport Employee,

The strength and vitality of our City is in no small part due to the many contributions made by each of its employees. The City benefits greatly from the dedication and professionalism that each of you bring to your work.

Whether you are new to the City or have worked for us for a while, I want to invite you to join me in my commitment to work hard for the citizens of our City to be responsive to their inquiries and needs as we continue to focus on the core principles of fiscal stability, infrastructure investment, economic development, sustainability, and cultural tourism.

*Donna D. Holaday, Mayor*

## **INTRODUCTION**

### **OVERVIEW**

This Employee Guidebook contains a summary of current policies and benefits applicable to City of Newburyport employees. It is designed to provide prospective and current employees with basic information about the City, its government, and its personnel practices. New employees will find answers to many of their questions. Current employees will find it a convenient reference.

This Employee Guidebook is not intended, nor should it be construed, as a binding contract of employment – expressed or implied – between the City and any employee. Furthermore, this Employee Guidebook is not intended to guarantee continued employment or specific benefits or procedures.

Information in this Employee Guidebook should answer most of the questions employees have about their jobs, hours of work, pay, vacations, sick leave, other leaves, fringe benefits and other personnel practices of the City. It is intended as a general guide for employees relative to their employment, responsibilities, privileges and benefits. If there is a conflict between this Employee Guidebook and a law, a collective bargaining agreement, or a personnel policy, the law, the collective bargaining agreement, or personnel policy, to the extent required by law, will

supersede. Personnel policies, as distinguished from laws or collective bargaining agreements, may be withdrawn or amended at any time.

The City reserves the right to make changes or discontinue any aspect of its personnel policies and benefit programs, and to revise or modify provisions in this Guidebook. Periodically employees may receive revised pages to insert in the Guidebook. It is each employee's responsibility to keep this book up-to-date and familiarize themselves with changes as they are announced.

Employees of the City that are not otherwise covered by a collective bargaining agreement, individual contract or have civil service status are **at will** employees, and the employment relationship may be terminated by either party, any time, with or without cause, and with or without notice. To the extent that any City employee is subject to an employment contract or collective bargaining agreement, in the event of a conflict and/or an inconsistency between said contract or agreement and this Employee Handbook, then said employment contract or collective bargaining agreement shall prevail and govern the terms and conditions of that employee's work.

The enclosed material supersedes any policies or Guidebooks previously distributed.

## **OUTLINE OF CITY GOVERNMENT**

The Mayor is the Chief Executive Officer of the City. The Mayor appoints various officers and employees, in many cases with the confirmation of the City Council; prepares and recommends to the City Council an annual operating budget and supplemental appropriation requests, including those of the School Committee; and is responsible for the enforcement of laws, ordinances and orders for the government of the City. Under the jurisdiction and supervision of the Mayor, officers and department heads are responsible for the effective and efficient administration of various departments.

Newburyport's legislative body is an eleven-member City Council. Six members are elected by ward; five at-large. Generally, the City Council enacts ordinances, authorizes loan orders, approves the annual operating budget and supplemental appropriations thereto, confirms certain mayoral appointments and passes orders and resolutions.

The elected School Committee, seven in number, of which the Mayor serves as Chair, is responsible for the selection and termination of a superintendent, review and approval of budgets for public education and establishing educational goals and policies for the schools consistent with the requirements of law and statewide goals and standards established by the state Department of Elementary and Secondary Education (DESE).

The essential purpose of government is to provide for the safety and welfare of its citizens and residents. If the City of Newburyport is to prosper, City employees must be alert for opportunities to improve the services rendered to citizens, residents and taxpayers of Newburyport.

### **EMPLOYEE RELATIONS PHILOSOPHY**

It is the practice of the City of Newburyport to treat each employee as an individual. We try to develop a spirit of teamwork with individuals working together to attain common goals. In order to maintain an atmosphere where goals can be reached, we attempt to provide a workplace that is comfortable and progressive. We firmly believe that by communicating with each other directly, we can resolve problems that may arise and develop mutually beneficial and respectful relationships. The City expects that employees will perform their duties to the best of their abilities and that they will do their part to fulfill the responsibilities that they owe to the citizens, residents and taxpayers of Newburyport.

The overall objectives of the City's personnel practices are:

- The recruitment, selection, and retention of employees based on their knowledge, skills and ability to perform the duties of their positions.
- The provision of an equitable and competitive compensation package.
- The training of employees, thus ensuring high quality performance.
- The encouragement of employees to meet performance standards, develop and practice safe work habits, grow professionally, correct inadequate performance and encourage proper supervision in the various departments.
- The assurance that no person employed by the City shall be discriminated against because of race, sex, gender identity/expression, color, religion, national origin, sexual orientation, physical disability, a person's service in the military, or age.

## **SUGGESTIONS AND IDEAS**

The City encourages suggestions by employees that improve the quality and level of service provided to its citizens, residents and taxpayers. While it is recognized that not all suggestions can or will be implemented and that all suggestions must pass the litmus test of "cost vs. benefit", adoption of such improvements reflect positively on the employee and are considered to be integral to fully effective job performance.

## **HUMAN RESOURCES MANAGEMENT**

### **ADMINISTRATION**

Responsibility and authority for human resources administration is conducted through the Human Resources office at the discretion of the Mayor. Department Heads assist and recommend the selection of employees, consistent with operating budgets recommended by the Mayor and when necessary approved by the City Council; plan, organize and direct employees, directly or through supervisors, are responsible for constructive discipline and, generally, directly relate to employees in their respective departments.

The Human Resources Office with support from the Mayor's office administers collective bargaining agreements and personnel policies. In addition, it provides advice and assistance to department heads on personnel matters; coordinates the negotiation of collective bargaining agreements and monitors compliance with those agreements; develops and administers recruitment, post-offer and pre-placement physical and psychological examinations and employee processing programs; plans, develops, supervises and conducts training, educational and employee assistance programs; develops, establishes and coordinates uniform personnel practices and procedures; and coordinates safety, affirmative action and equal employment opportunity practices. The Human Resources Office also ensures the City's compliance with state and federal laws pertaining to employment.

The Human Resources Office administers group health and life insurance plans; as well as the City's worker's compensation program; The Retirement Board administrator is located at 16 Unicorn Street and administers the retirement system for Newburyport employees.

## **RECORDS**

The Human Resources Office maintains the official employee personnel files and department heads maintain files supporting departmental personnel actions. Upon reasonable notice, employees may review their personnel files; may, on request, receive a copy of the records; and may request, in writing, that material be removed from the file and, if denied, a written rebuttal from the employee may be included in the permanent files. It is the responsibility of employees to inform Human Resources of changes in their name, address, telephone number, marital status, and person(s) to be notified in an emergency, and to notify the Human Resources Office and the Newburyport

Retirement Board of changes in their personal status to insure proper coverage in the health benefit, life insurance and retirement plans.

## **EMPLOYEE ORGANIZATIONS**

The right to organize, bargain collectively, and enter into labor agreements is guaranteed by law to all employees, with limited exceptions. The labor agreements may govern compensation, working conditions and various other matters of interest to the City and to employees and, with the exception of specific subjects defined in the collective bargaining statute, the provisions of such agreements take precedence over ordinances and administrative regulations or orders. Under Massachusetts law, employees are forbidden to strike; or to engage in work stoppages, slow downs, or the withholding of services.

## **SUPERVISORS**

Department heads responsible for various departments plan, organize, and direct the day-to-day activities of their departments directly, or through designated supervisors. Each employee has a direct supervisor, with that individual, depending on the organization of the unit to which the employee is assigned, being responsible to others; all subordinate to the department heads with overall responsibility for the department.

## **EMPLOYEES**

From the perspective of the Federal Fair Labor Standards Act (FLSA), employees occupy exempt or non-exempt



position (refer to "Definitions" Page 74). For those employees whose working conditions are covered by collective bargaining agreements are termed "union"; those not covered "non-union". The working conditions, job classifications and compensation of non-union employees are governed by various personnel policies.

### **BULLETIN BOARDS/POSTING OF INFORMATION**

Information of interest to employees is posted by the Mayor's office on designated bulletin boards in each municipal building. In addition, informational notices are distributed to departments and, on occasion, material is noted on remittance advice. Every effort is made to keep employees informed relative to personnel matters. Bulletin boards are for official use only and are not for personal use or solicitation. Various collective bargaining agreements may contain provisions for the use of bulletin boards for union announcements.

### **PAY PERIOD/PAY DAYS**

Most employees are paid bi-weekly based on a 26 pay period, per year, with remittance advice available on Friday of the pay week. Checks for employees paid on a monthly basis are available on the second payroll of the month. The calendar incidence of a holiday may delay distribution of payroll checks.

### **PAYROLL DEDUCTIONS**

Mandatory payroll deductions are made, depending upon the number of exemptions claimed, for federal and state income taxes, and for retirement contributions. Union employees are required to have deductions for union dues or agency fees and all individuals employed on or after, April 1, 1986 must have a deduction for federal Medicare insurance. Optional payroll deductions are made based on employee authorization, for health insurance, life insurance, dental insurance, disability insurance and deferred compensation.

### **GARNISHMENTS, LIENS, TRUSTEE PROCESS**

Subject to the provisions of applicable federal and state law, the City may be obliged to retain and pay over to a third party, a portion of your earnings.

## **EMPLOYEE SELECTION**

### **APPLICATIONS FOR EMPLOYMENT**

Individuals seeking employment must submit an application, in a form provided by the City, to the Human Resources Department. Human Resources Department and the appropriate department heads review these applications to determine the skills and ability of each applicant for employment.

### **SELECTION, APPOINTMENT**

Department heads may screen resumes in consultation with the Human Resources Department and should follow standard procedures when screening resumes and conducting interviews. The following represent general guidelines:

- Devise standard selection questions which are not legally biased and use the same questions for all candidates
- Screen resumes for minimum entrance requirements
- Select candidates for interview and consult with Mayor's Office. Letters to candidates not selected for interview should be sent by the Human Resources Department
- Notify successful candidates of selection and then interview those candidates
- In most cases, Human Resources should be included in the interview process, however should the occasion arise in which Human Resources is not involved in the interviews a briefing with the Mayor's Office once interviews are complete should be scheduled immediately
- Conduct second interviews if required
- Contact references
- Letters or emails to those who were interviewed but not selected should be sent out from the Human Resources Department.

The Mayor is the City's Appointing Authority. The Appointing authority makes appointments; some mayoral appointments are subject to confirmation by the City Council. All letters of appointment and promotion must be sent by the Mayor. Department heads may prepare such letters for the Mayor's signature, in consultation with the Human Resources Department.

### **EQUAL EMPLOYMENT POLICIES**

The City is conscious of its responsibility to eliminate discriminatory barriers to employment based on race, sex, gender identity/expression, color, religion, national origin, sexual orientation, disabilities, a person's service in the military, or age, and also to take positive steps to recruit, hire and promote minorities and women. The City will continue to direct its employment and personnel practices toward ensuring equal employment opportunity for

everyone; therefore, the City intends that all matters related to recruiting, hiring, training, compensation, benefits, promotion, transfers, layoffs, City-sponsored educational, social, and recreational programs, discipline, discharge, and all treatment on the job be free of discriminatory practices. Employees are asked to provide complete information about their skills, their medical/occupational restrictions and the reasonable accommodations that could be made which would enable them to perform the job properly and safely.

### **CRIMINAL OFFENDER RECORDS INFORMATION**

The Criminal Offender Record Information (CORI) system is administered by the Massachusetts Department of Criminal Justice Information Services (DCJIS). The DCJIS adopts general grants for organizations when a number of applicants fit squarely into a specific category that is appropriate to receive CORI. General grants include, but are not limited to, those applicants for positions that have unmonitored access to children, the disabled, or the elderly. In addition, an organization can apply to the Board for CORI authorization for any position it deems appropriate. Presently, the City conducts CORI checks for all applicants for positions in the Police Department, Fire Department, Department of Public Works, Parks and Recreation and Youth, Library and the School Department. The City of Newburyport will ensure that all background checks are held in compliance with applicable federal and state statutes, such as the Fair Credit Reporting Act. The City of Newburyport reserves the right to make the sole determination concerning information on any employment decision arising out of the background check. If a background check is returned with unfavorable results, Human Resources will notify the Department Head. At the discretion of the Mayor, the Department Head and/or Human Resources will contact the candidate to inform him/her that the City is rescinding its contingent offer of employment and that he/she will receive written notification that the City's *third party administrator* will send a summary of the candidate's rights under the Fair Credit Reporting Act. The third party administrator will give the candidate the opportunity to review a copy of the report, which informs him/her of his/her rights to dispute inaccurate information.

### **START DATE AND EMPLOYEE ORIENTATION**

Upon receiving a Letter of Employment, a new employee must contact Human Resources to schedule a meeting to discuss the required paperwork and benefits offered by the City of Newburyport. This meeting shall take place at a minimum of one week before the employees start date. Employees should not hesitate to contact, Human

Resources at any time relative to their compensation, benefits and conditions of employment.

## **EMPLOYMENT OF RELATIVES**

It is the policy of the City of Newburyport not to employ more than 1 close relative of a current City employee at any time unless it is for a temporary and/or seasonal job. Close relative is defined as spouse, civil union partner, in-law relation, child (including biological, step-children, children of the employee's civil union partner, adopted children and individuals for whom the employee serves as a guardian or in loco parentis capacity), parents (including step-parents, parents of the employee's domestic partner, adopted parents, former guardians or an individual who cared for the employee in an in loco parentis capacity), parents of the employee's spouse or domestic partner, grandparents, sibling or sibling of the employees spouse or domestic partner. Domestic partner is defined as an individual who lives with the employee for more than six months in an intimate, financially interdependent relationship equivalent to that of spouses. If a relationship occurs that results in two employees of the City of Newburyport becoming close relatives when they are currently in a position reflecting the aforementioned conditions, the employee must notify his/her Department Head and/or Human Resources. The Department Head and/or Human Resources, in consultation with the affected employees, will attempt to derive an alternate employment arrangement within the City of Newburyport. If such an arrangement cannot be achieved within six (6) months, the matter will be decided by the Mayor's office and the collective bargaining unit.

## **TEMPORARY WORKERS POLICY**

The City of Newburyport, from time to time, may employ temporary employees (those employees who work under 20 hours a week). Temporary employees must submit time records on a weekly basis to their Department Head and/or supervisor. Temporary employees are not eligible for benefits except as required by State or Federal law. This includes paid time off such as vacation, sick or holiday time.

# **CLASSIFICATION AND COMPENSATION**

## **POSITION CLASSIFICATION**

Every employee of the City occupies a position in a classification plan. The Mayor's Office, in consultation with the Human Resources Department determines titles for exempt and non-civil service positions. These titles are utilized

in personnel administration, in payroll processing and in the budgetary process.

## **COMPENSATION PLANS**

The compensation of all employees is based on provisions of a collective bargaining agreement or the established City compensation plans. Irrespective of the source of the plan, most provide minimum and maximum rates of compensation, together with specific intermediate levels.

## **STEP INCREASES**

Employees progress annually, on the first day of the payroll period during which the anniversary of their employment or promotion occurs, to their maximum rate of compensation.

# **WORKING CONDITIONS**

## **PROBATIONARY PERIOD**

The first six months of employment, twelve months in the case of police officers and firefighters, is a probationary period. Prior to completion of the probationary period, an employee evaluation will be completed that will assess the individual's ability to perform the essential functions of his or her job; and to observe and evaluate the employee's work habits and conduct, including attendance and the employee's relationship with coworkers and superiors. During this probationary period, the City may terminate employment immediately, with or without cause and with or without notice.

Employees transferring from one department to another are not subject to serving an additional probationary period. However, a break in service extends the probationary period by the length of that break.

## **HOURS OF WORK**

Departmental work schedules have been established, consistent with collective bargaining agreements where applicable, and in accordance with City ordinances and personnel policies. Unless specifically authorized by collective bargaining agreement, break times are subject to workload and the discretion of the immediate

supervisor. Regular attendance and punctuality are among the critical job responsibilities of every employee. If, because of illness or other reason, an employee cannot report for work at the scheduled time, the employee

must notify his/her immediate supervisor, explaining the reason for the absence. If an employee is going to be late for work, a call must be made to his/her immediate supervisor advising of the reason for the delay. If the immediate supervisor is not available, a call to Human Resources is required.

### **ATTENDANCE RECORDS**

Departments are responsible for reporting records of attendance. The Human Resources Office will maintain departmental attendance records to ensure consistent administration of attendance standards for all employees. Departmental attendance records are to be submitted by Department Heads to the Human Resources Office during the first week of every month for the previous month. At the end of each fiscal year (June 30<sup>th</sup>) employees will review and sign off on their time sheets with their respective department heads to ensure each record is correct. Upon the completion of this review, the time sheets will be signed by the employee and the department head and submitted to the Mayor's office.

### **PROMOTIONS/TRANSFERS**

Department heads, in accordance with guidelines established by the Mayor's Office or an applicable collective bargaining agreement, take action relative to non-civil service personnel. Employee Action Transmittal forms must be completed before any change in employment can occur. The provisions of the civil service law and regulation govern the permanent and temporary promotion or transfer of civil service employees. There are, in addition, occasions when employees work "out of grade" and provisions of collective bargaining agreements govern these situations.

### **RE-EMPLOYMENT**

Permanent civil service employees separated from their employment because of lack of work, budgetary constraints, or the abolition of their positions are reinstated to their positions by date of their seniority in the same work unit and the same job title to the extent required by law.

## **REINSTATEMENT**

Permanent civil service employees separated from their positions may, at the City's discretion and with the approval of the State Division of Human Resources, be reinstated in the same or another department. Non-civil service employees separated from their positions may, at the sole discretion of the City, be reinstated.

## **SAFETY POLICY**

The City of Newburyport is committed to the safety and health of all employees and recognizes the need to comply with regulations governing injury and accident prevention and employee safety. Maintaining a safe work environment, however, requires the continuous cooperation of all employees.

The City of Newburyport will maintain safety and health practices consistent with the needs of the City and industry standards. If an employee is ever in doubt about how to safely perform a job, it is that employee's responsibility to ask his/her supervisor for assistance. Any suspected unsafe conditions and all injuries that occur on the job must be reported immediately to the employee's supervisor.

Compliance with these safety rules is considered a condition of employment. Non-compliance will be treated like any other violation of established rules and will result in disciplinary action up to and including termination. Therefore, it is a requirement that each supervisor make the safety of employees an integral part of his/her regular management functions. It is the responsibility of each employee to accept and follow established safety regulations and procedures. Safety questions, concerns or suggestions should be forwarded to your supervisor.

## **EMERGENCY CLOSING**

The City of Newburyport will not close for business due to normal conditions of bad weather. If there is an extreme condition that endangers the safety of the City's employees, due to weather or otherwise, closure will be announced only by the Mayor or his/her designee.

## **EMPLOYEE BENEFITS**

The Mayor's Office, through the Human Resources Department, administers health, dental, deferred compensation, flexible spending, and life insurance plans for the entire City. Human Resources will provide descriptive literature and further information at scheduled orientation sessions.

### **HEALTH INSURANCE PLANS**

Individuals employed on a regular basis for at least twenty (20) hours each week have the option of selecting health insurance coverage from among the following:

Blue Choice® Individual Plan

Blue Choice® Family Plan

HMO Blue® New England Individual Plan

HMO Blue ® New England Family Plan

75% of the employee medical insurance premium is paid for by the City; the employee pays 25%. The City of Newburyport is a member of the Massachusetts Interlocal Insurance Association's (MIIA) Health Benefits Trust in cooperation with Blue Cross Blue Shield of Massachusetts.

### **DENTAL INSURANCE BENEFIT**

The City provides a fixed contribution amount per month per employee for optional Dental Insurance through Altus Dental. Employees may select either a family or an individual plan, with a high or a low benefit.

### **CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires employer-sponsored group medical and dental plans to allow covered employees and their dependents to elect to have their current medical coverage continued at the employee and dependents' expense, at group rates, for up to 36 months following a qualifying loss of coverage.



Employees who experience the following qualifying events will be permitted to continue group medical and dental coverage:

- (a) an employee whose coverage terminates due to a reduction in work hours or termination of employment, other than termination due to gross misconduct;
- (b) a spouse and dependent children who lose eligibility for coverage under the group plan as a result of: (1) divorce or legal separation; (2) the employee's death, termination of employment or reduction of work hours; (3) loss of dependent child status due to age or marriage.

Continuation is not available to persons who are covered under another group plan or eligible for Medicare.

Group health and dental benefits and premium rates for individuals electing continuation are the same as for active employees and their dependents plus an administrative charge. Individuals electing continuation must pay the entire monthly premium amount in advance.

Employees will be notified of their COBRA rights upon employment and at the time of a qualifying event as explained above. It is the employee's responsibility to keep the City informed of any address changes or other pertinent information regarding themselves and their dependents.

### **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**

Permanent employees regularly working twenty (20) or more hours per week are covered under the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA provides employees with certain rights that create a "portability" of health coverage from one employer to the next. This does not mean that an employee can take his/her current health plan into a new employment situation. It means that an employee can receive "credit" for prior coverage when joining a new plan that may have waiting periods for pre-existing conditions. This requires a transfer of prior coverage information from the old employer to the new employer. The City will provide to each employee who loses health insurance coverage a full certificate of coverage. The certificate of coverage provides: the date of the certificate; identifying information, including the name of the employee; the employee's health plan identification number; names of dependents to whom certificate applies; name of group health plan; name of employer; name, address, phone number of issuer of plan administrator; and first and last day of creditable

coverage. This certificate will be issued whenever an individual loses health coverage or would lose coverage except for an election under COBRA.

For further information on the City's Health Insurance benefits please contact Human Resources and/or refer to the PEC (Public Employee Committee) Agreement.

## **RETIREMENT PLAN**

Membership in the Newburyport Contributory Retirement System is mandatory for all police officers and firefighters, individuals employed on a permanent full-time basis, and for certain individuals employed on a part-time or temporary basis. Members of the system contribute at various percentage rates, depending on their date of employment, and are eligible-- depending on their age, years of service, their physical condition and its relationship to their job-- for superannuation, ordinary disability and accidental disability retirement allowances. Each type of retirement includes the opportunity to exercise options relative to beneficiaries. Survivor and accidental death benefits are also available. The contributory retirement law, which is basically the same for all Massachusetts public employees, is administered in the City by the Newburyport Retirement Board. A representative of the Board will provide descriptive literature and further information at scheduled orientation sessions, and the staff of the Retirement Board is available for consultation on request.

## **UNEMPLOYMENT COMPENSATION**

State law requires the City to reimburse the Commonwealth of Massachusetts for unemployment benefits paid to former employees. It is the responsibility of individuals to file claims with the Department of Unemployment Assistance and the City reserves the right to contest claims. The City shall provide information to separating employees on how to apply for unemployment benefits.

## **WORKERS' COMPENSATION**

Employees, injured on the job, are protected against loss of income and medical expenses by provisions of Massachusetts law. Employees receiving workers' compensation benefits may, upon request, receive vacation, sick or personal leave accrued at the time of injury to supplement workers' compensation benefits up to the amount of base

wages the employee received each week before the injury. To preserve rights under the law, an employee or his/her supervisor must notify the Human Resources office immediately if there is an on-the-job accident that results in a personal injury. Police officers and firefighters may receive leave with pay during periods of incapacity and indemnification of medical expenses in accordance with applicable law.

## **EMPLOYEE ASSISTANCE**

All City of Newburyport employees may access the Employee Assistance Program (EAP) for assessment, counseling and/or referral at any time. Under certain circumstances, an employee may be mandated by a supervisor and/or Human Resources to utilize the EAP, if there is an issue that has affected or is hindering an employee's job performance. Participation in the EAP, whether voluntary or involuntary, does not nullify any disciplinary action a supervisor deems appropriate. Employees may contact the EAP at: 1.800.451.1834 24 hours a day, 7 days a week.

The Employee Assistance Program (EAP) provides confidential assistance to all employees and their family members who may be faced with financial concerns, legal issues, substance abuse problems, relationship difficulties, illness of a family member, emotional or child care problems, etc.

The EAP is committed to providing professional care and employee advocacy in an atmosphere of complete confidentiality. The records of all employees served by EAP are a part of the Privacy Act System of Records and, as part of that system, cannot be accessed without the written permission of the employee except as authorized by Federal law.

**Note: All contact between an employee and the EAP is held strictly confidential, and the service is free to the employee and their household members.**

## **CONDITIONS OF EMPLOYMENT**

### **STANDARDS OF CONDUCT**

Employees of the City, unless otherwise provided in a collective bargaining agreement, civil service law or separate

contract, are **at will** employees and subject to termination, with or without cause.

The City employs responsible individuals and believes that the vast majority of employees are responsible citizens who understand and respect the rights and property of their fellow employees and that of the City. However, when large groups work together, reasonable rules are necessary for the orderly conduct of the organization. To this end, the City has in effect and will establish from time to time such reasonable rules as it considers necessary to ensure the orderly and efficient conduct of its business, to assure the safety of its employees and property, and to comply with applicable laws. During working hours employees are expected to comply with rules established by the City. Failure to do so may result in discharge or other appropriate disciplinary measures.

The "conflict of interest law" (M.G.L. Chapter 268A) is designed to ensure that a public employee's private financial interests and relationships do not conflict with their public obligation to act objectively and with integrity. The law is broadly written to prevent a public employee from becoming involved in a situation that could result in a conflict, or give the appearance of a conflict. The law covers what employees may do on the job, after hours in a private capacity, and even after they leave public service. Additional information on provisions of the law may be obtained from the City Clerk's office.

Employees required by law, regulation, or as a requirement of their positions, to maintain registration, license, or certification, are personally responsible for acquiring and maintaining such documentation, unless collective bargaining agreements provide otherwise.

The following are examples of behavior that will result in disciplinary action, up to and including discharge:

- Stealing
- Workplace violence
- Insubordination
- Use of alcohol at work or reporting to work under the influence of alcohol
- Use, sale, or possessions of drugs
- Absence from duty without permission

CITY OF NEWBURYPORT, MASSACHUSETTS

- Conduct unbecoming a public employee
- Unauthorized use of City equipment or property
- Failure to report an accident involving City property
- Failure to follow safety rules

The violation of any of the following rules will result in disciplinary action ranging from oral reprimand to discharge:

- Tardiness or absenteeism
- Failure to report immediately to the supervisor any job-related accident or injury or unsafe working condition
- Failure to report an off-the-job accident or injury which may affect the performance of your job
- Smoking in restricted areas
- Gambling during work or on City property
- Working on personal business or projects on City time
- Creating or contributing to unsanitary or disorderly housekeeping conditions
- Failing to notify the City promptly when you will be absent from work or late to work
- Soliciting employees while either the person being solicited or the person doing the soliciting is on work time.  
This applies to selling of any type; solicitation of memberships, pledges, or subscriptions; circulating petitions; or collecting money.
- Conduct that endangers you or another employee
- Unauthorized use of City tools, equipment, telephones, postage or other City property
- Failure to use safety equipment required by the City or to comply with safety rules
- Remaining on or coming onto City work premises during off-duty hours for purposes other than to work without advance approval
- Sleeping, loafing on the job, engaging in horseplay, throwing anything that may harm another, playing jokes or otherwise distracting or startling others, acting in a disorderly manner or being away from your work station unnecessarily
- Refusal or failure to carry out instructions fully or to perform work assignments as required by supervisory personnel
- Gross negligence or abuse resulting in the damage or destruction of tools, machinery, equipment, products,

materials, or other property belonging to the City or to others

- Removing City property from the work site without written authorization
- Operating or tampering with City equipment which you have not been authorized to use or repair
- Restricting work production, encouraging or persuading others to restrict work production or supporting an interruption of work

The first violation of any of the following rules may result in immediate discharge.

- Obtaining materials or tools on fraudulent orders or misrepresentations
- Bringing and/or consuming alcohol, drugs, or narcotics at work or working on the job under the influence of alcohol, drugs or narcotics
- Carrying explosives or unauthorized weapons onto a work site
- Deliberate action causing damage or destruction or waste of tools, machinery, equipment, product, materials or other property belonging to the City, a City official or to a fellow worker
- Giving false information in making application for employment or pursuant to any City inquiry or investigation
- Immoral or indecent conduct on a work site, including abusive or threatening language to any employee and the making of false or malicious statements or defaming another employee, City official or the City
- Stealing or hiding any property of other employees, persons or the City
- Divulging confidential information to an unauthorized person or making any disclosure of confidential information regarding the City to any person, agency, publication, radio or television station without authorization from the City
- Abusive conduct toward a fellow employee, City official or member of the public

Please remember these are only examples of violations that may result in disciplinary action or immediate discharge. Other situations may arise and these too may result in discipline or discharge. These lists are meant to provide examples and are in no way intended to be all-inclusive.

## **POLITICAL ACTIVITY**

The Federal Hatch Act as well as the Massachusetts Office of Campaign and Political Finance (OCPF)

restrict political activities of public employees. During work hours, employees may not work, or be assigned to work for or on behalf of a political candidate or activity, or participate in other political activity such as lobbying, collecting funds, making speeches, assisting at meetings, doorbell ringing, or distributing political pamphlets. Under no circumstances may an employee participate in any form of fund raising for a political candidate or activity. All City employees shall comply with the Hatch Act and OCPF requirements. Furthermore, no City employee shall use City property or equipment for political activities at any time.

## **PERFORMANCE EVALUATION**

Prior to the completion of probationary periods, departments evaluate the job performance of employees. Provision for performance evaluations at other times is contained in collective bargaining agreements or personnel policies.

## **DRESS CODE**

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. When job responsibilities place employees in direct contact with city officials, state officials, legislators or the public, they represent the City with their appearance as well as their actions. The properly attired individual helps to create a favorable image for the City. The employee's department head in consultation with the Mayor's Office, will address situations in which inappropriate attire is worn. Employees who are improperly attired may be required to leave work to change.

The following clothing is not appropriate attire: shorts, sweat clothes, halters, tank tops, jeans, spandex, low neckline front or back, flip flops, slippers, tennis shoes, sneakers and clothing that has words, pictures or scenes that would be disruptive to the work environment.

Some employees may be required to wear safety gear or other work-related clothing, depending upon the department and depending upon working environment and conditions. Any questions relating to required attire should be directed to the employee's immediate supervisor.

Each City Department Head, in consult with the Mayor's Office, will address situations where inappropriate attire is

worn or inappropriate grooming takes place. Any employee determined to be in violation of this policy may be required to leave the workplace until he/she is properly attired or groomed. Employees who violate dress code standards may be subject to appropriate disciplinary action.

## **TRAINING AND DEVELOPMENT**

### **ON-THE-JOB TRAINING**

The City is prepared to train employees in the specifics of their particular positions and to assist in the upgrading of necessary job skills. In some situations the training is required by law, as in the case of newly appointed police officers; in others, such as newly appointed firefighters, there is a State administered program of training. In still other cases, the training is on a departmental basis subject to funding.

### **EDUCATIONAL ASSISTANCE**

Job related course reimbursement may be available under the terms of collective bargaining agreements. Assistance to non-union employees may be available, within budgetary limits, following advance approval by department heads.

### **TRAVEL POLICIES/REIMBURSABLE EXPENSE**

Various collective bargaining agreements contain provisions requiring the City to provide allowances for uniforms, clothing, tools, and to purchase textbooks in the course of employment. Automobile and gas allowances may be authorized under certain collective bargaining agreements and, as a result of provisions in the operating budget, may be paid to designated employees. In addition, expenses for transportation, lodging, tolls, parking, conference registration fees, and meals are reimbursable consistent with federal guidelines and Chapter 268A of the General Laws and are subject to funding and department head approval. Any employee wishing to attend a conference or training program must complete a Training/Conference Request Form and forward it to the Mayor's Office for approval. Outside of collective bargaining agreements, required work related travel other than commuting shall be reimbursed at rates as established through personnel policy.



Effective January 1, 2016, the standard mileage rate for the use of a personal vehicle for City business is **54 cents**

**per mile**. Below is the City's policy regarding the use of personal vehicles for City travel:

When an employee is authorized to use a Personal Vehicle for work-related travel, he/she shall be reimbursed for mileage at the Internal Revenue Service (IRS) standard mileage rate, unless covered by contract or stipend. According to the IRS, the standard mileage rate for business purposes is based on an annual study of the fixed and variable costs of operating a vehicle. Employees will be notified by Finance or Human Resources of any changes to the IRS rate.

If employees travel from home to temporary assignments (i.e. a training or conference) rather than to their permanently assigned department location, transportation expenses shall be allowed either for the distance from their homes to places of temporary assignment, or from their permanently assigned department location to places of temporary assignment, whichever is nearer.

All requests for mileage reimbursement must be submitted in accordance with City policy using the attached form, which can also be found on the "Z Drive" > "Global City Share" > "Forms". All reimbursement requests must include specific addresses for "to" and "from" locations. The number of miles should be derived from a reliable third-party source, such as Google Maps or MapQuest (see attached example). Please be advised that the Auditor's Office verifies all mileage amounts prior to payment and will reject any requests that are deemed to be excessive or unverifiable due to missing or incorrect information on the form.

## **PERSONNEL POLICIES**

The purpose of personnel policies is to establish a system of human resource administration based on principles that ensure a uniform, fair and efficient application of personnel policies.

All departments and positions, except those under the jurisdiction of the School Committee, the Newburyport Retirement Board, elected positions and certain positions for which compensation is on a fee basis or the

incumbents render intermittent or casual services shall be subject to the provisions of these policies.

Conflicting provisions contained in collective bargaining agreements, to the extent required by law, shall supersede these policies. Where collective bargaining agreements are silent, these policies and regulations may be applied. Subject to the Mayor's Office and Human Resources review, departmental regulations that establish standards of performance, conduct or action shall continue to be applicable.

These policies are intended to be in accordance with all applicable state and federal laws. In the event that these policies are inconsistent with the applicable state or federal law the applicable law shall apply.

### **SICK LEAVE POLICY**

Sick leave is a benefit limited to absences caused by illness, injury, exposure to contagious disease, serious illness of a member of an employee's immediate family, or illness or disability arising out of or caused by pregnancy or childbirth.

Subject to limitation in the personnel policies, all non-union employees, upon completion of ninety (90) days of continuous service for the City, shall accrue 1 day of sick leave monthly without loss of pay for absences caused by legitimate illness or injury. Sick leave shall accrue monthly, and may be carried forward into a new fiscal year (beginning July 1) with the Mayor's written approval. There is a maximum of accumulation of one hundred eighty (180) days.

Employees shall be entitled to sick leave without loss of pay if the employee has notified his/her supervisor, or designee, of the absence and cause thereof within one hour of the start of the workday, or as soon thereafter as practicable.

If an employee has been warned of sick leave abuse, the City, in its exclusive discretion, may require medical documentation from an employee's physician or a written certificate from a City selected physician establishing incapacity, illness, or injury as a condition of payment of sick leave benefits. The City shall initiate disciplinary action

for employees engaged in sick leave abuse. If an employee uses sick leave for purposes other than legitimate

illness or non-work incurred injury the employee may, at the City's discretion, be subject to discipline up to and including discharge.

The City may require an employee who seeks to return to work after an absence, whether paid or unpaid, of ten (10) consecutive work days or more, to be examined by a City selected physician to determine the employee's fitness for work.

The City may require employees absent from work due to illness or injury for extended periods to provide medical documentation concerning the nature, severity, and duration of the illness or injury, and may require an employee to be examined by a City physician for such purpose. Five (5) consecutive working days of absence, or ten (10) working days of absence throughout the fiscal year, would constitute an extended period of absence. If the City requires a medical certificate from a City selected physician, the City will pay the cost of the physician's services in examining the employee.

### **VACATION LEAVE POLICY**

A full-time, non-union employee with at least six (6) months of continuous service shall be entitled to paid vacation during each fiscal year of employment in accordance with the following schedule:

- 6 months to 5 years: 10 days annually (per fiscal year)
- 5 to 10 years: 15 days annually (per fiscal year)
- 10 to 15 years: 20 days annually (per fiscal year)
- 15 to 20 years: 25 days annually (per fiscal year)

Employees are credited with earned vacation leave on a monthly basis, subject to a maximum vacation accrual cap. Leave is credited on the last day of each full calendar month of service, up to the maximum cap.

Transition years 5<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup> year anniversary date of hire: Vacation accrual rate will be adjusted on the first day of the month in which the employee will be eligible for additional vacation leave.

All vacations are subject to approval by immediate supervisors or their designees. All department heads must

complete a Vacation Request Form and submit to the Mayor's Office in advance of the planned leave.

Employees who terminate service without having been granted the vacation to which they had previously accrued shall be paid an amount, in lieu of vacation, as required by law.

Part time employees who work on a regular basis at least 20 hours per week may receive a pro-ration of vacation based on their work schedule. The vacation crediting will accrue monthly. All such arrangements must be in writing with the approval of the Mayor. Vacation may not be carried over if not used in a given year, without the written approval of the Mayor, which shall not be unreasonably withheld. Requests for carry over shall be submitted at least one month prior to the close of the fiscal year. In no case shall more than 10 days (two weeks) be carried over.

**HOLIDAY LEAVE POLICY**

Each full time non-union employee shall be granted leave with pay on the days designated by law for observance of the following holidays:

- |                        |                        |
|------------------------|------------------------|
| New Year's Day         | Labor Day              |
| Martin Luther King Day | Columbus Day           |
| Presidents' Day        | Veteran's Day          |
| Patriot's Day          | Thanksgiving Day       |
| Memorial Day           | Day after Thanksgiving |
| Independence Day       | Christmas Day          |

If a holiday occurs during the vacation period of a full time non-union employee, the employee shall be granted an additional day of vacation.

**PARENTAL LEAVE POLICY**

The City of Newburyport grants parental leave in accordance with the provisions of MGL Chapter 149, Section 105D. All employees having completed at least three (3) consecutive months of full-time service shall be granted eight (8) weeks of unpaid parental leave without loss of seniority or benefits for the purposes of giving birth or adopting a child under age eighteen or under age twenty-three if the child is mentally or physically disabled. Upon

expiration of maternity leave, employees will be restored to the same or a similar position.

In the event an employee is eligible for both FMLA and parental leave, that employee's leave will be charged to both forms of leave simultaneously. (See Family and Medical Leave Policy). Employees requesting leave pursuant to this policy must notify the City at least two (2) weeks prior to the anticipated leave.

Employees are required to use accrued vacation, sick, personal time during this period. If accrued vacation, sick, personal time extends beyond eight (8) weeks, employees will be entitled to use said leave until exhausted, up to a maximum period of twelve (12) weeks' time. Employees must return when their maternity leave expires if they are physically able.

### **BEREAVEMENT LEAVE POLICY**

Employees shall be granted leave of absence with pay in the event of death in the immediate family. Such leave may extend from the time the employee receives notification of the death to the first workday following the day of the funeral, or memorial service, not exceeding a period of five (5) days. "Immediate family" shall consist of spouse, father, mother, brother, sister, child, spouse's father or mother, spouse's son or daughter, grandparents and grandchildren and other members of the employee's household.

In the event the funeral, or memorial service, of an aunt, uncle, niece, nephew, spouse's brother or sister or spouse's grandparents or grandchildren occurs on a work day, the employee shall be granted leave with pay to attend the funeral or memorial service. In extenuating circumstances, department heads may grant up to three days of leave with the approval of the Mayor's Office.

### **JURY LEAVE POLICY**

Employees required to serve on a jury shall promptly notify their immediate supervisor. The City shall pay regular compensation for the first three (3) days of jury service. Thereafter, the City shall pay the difference between fees received (excluding reimbursement for meals or travel) and regular compensation.

### **FAMILY AND MEDICAL LEAVE POLICY**

In accordance with the provisions of the Federal Family and Medical Leave Act of 1993 (FMLA) employees having completed at least twelve (12) months of service or who have actually worked at least 1,250 hours during the preceding twelve (12) months, shall be entitled to take up to twelve (12) weeks of unpaid leave annually for any of the following purposes:

- (a) The birth of the employee's child, and in order to care for the newborn child
- (b) The placement of a child with the employee for adoption or foster care
- (c) The need to care for the employee's spouse, child or parent who has a serious health condition
- (d) The employee's own serious health condition that renders the employee unable to perform the functions of their position.

Employees requesting leave pursuant to this policy must notify the City at least thirty (30) days prior to the anticipated leave. If such leave was not foreseeable, employees must notify the City as soon as practicable. For purposes of calculating annual entitlement of such leave, the year shall commence on the first day such leave has been taken.

In order to be eligible for leave under this policy, employees shall provide certification from a health care provider to substantiate any leave due to the health condition of the employee or the employee's immediate family member.

The City will continue its contributions to group health plan premiums for employees on FMLA leave. Employees shall pay their applicable percentage of the premium while on such leave. If an employee fails to return to work following his/her FMLA leave, the City has the right to recover its portion of health insurance premiums paid while the employee was on FMLA leave.

Employees on FMLA leave may use or may be required to use any accrued vacation, personal, or compensatory leave (non-exempt employees) while on such leave. Employees on FMLA leave for (a) (b) or (c) above may use any accrued sick time while on such leave. Employees on FMLA leave for (d) above must use any accrued sick time while on such leave. Employees shall continue to accrue vacation and sick leave while on FMLA leave.

Upon the termination of FMLA leave, employees shall be restored to their former or similar positions. Before

reinstatement, employees taking leave for (d) above must present a certification from a health care provider that the employee can return to work.

### **Intermittent or Reduced Leave**

When medically necessary, an employee eligible for FMLA leave may be permitted to take “intermittent” leave (two (2) or more separate leave periods) or “reduced” leave (where an employee continues to work, but for fewer hours per day or per week), where appropriate under the FMLA. In such cases, the total number of hours or days of leave taken by the employee is limited to the equivalent of twelve (12) workweeks (or twenty-six (26) where applicable) for that employee.

Employees must make a reasonable effort to schedule the leave in a manner that will not unduly disrupt the City’s operations. The City may transfer an employee to an available alternative position with equivalent pay and benefits for which the employee is qualified, if that position can accommodate recurring periods of leave better than the employee’s regular job.

### **SMALL NECESSITIES LEAVE POLICY**

In accordance with Massachusetts law (G.L. c. 149, § 52D), employees eligible under the Family and Medical Leave Act may take **up to 24 hours of leave in a 12-month period.** Employees are required to provide at least 7 days notice if the need for leave is foreseeable. The 12-month period begins with the first request for leave. Events for which leave may be used:

- Participation in school (including certain day care facilities) activities directly related to the educational advancement of a son or daughter of the employee
- Accompanying a son or daughter on routine medical or dental appointments
- Accompanying an elderly relative (i.e., at least 60 years of age and related by blood or marriage to the employee) on routine medical or dental appointments or appointments for other professional services relating to the elder’s care.

Employees must use any accrued leave concurrently with Small Necessities Leave.

**MILITARY LEAVE POLICY**

The City of Newburyport recognizes the patriotic service rendered by many employees who belong to military reserve units. Therefore, military leave will be granted to employees in accordance with the provisions of state and federal law. Employees are required to provide their department head with notice of any leave as soon as possible upon learning of any leave assignment. Employees must also provide notice of an anticipated date of return, if possible, and must provide a copy of leave related military orders to the Mayor's Office.

**DOMESTIC VIOLENCE AND ABUSIVE SITUATIONAL LEAVE**

The City of Newburyport will provide up to 15 days of paid or unpaid leave for a qualifying employee to seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee. A qualifying employee is a victim of domestic violence, sexual assault, stalking or kidnapping or who has a family member who is a victim.

**STANDARDS FOR LATENESS & ABSENCE**

The City of Newburyport realizes that on occasion, it may be necessary for an employee to be late or absent from work. The City is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside your work hour may arise. The City provides time off for these reasons as set forth in other City policies governing different types of leave.

If an employee is unable to report to work, or if he/she will arrive late, the employee should contact his/her supervisor immediately. If the employee knows in advance that he/she will need to be absent, he/she should request this time off directly from his/her supervisor. If the absence is for a scheduled medical appointment, the employee should refer to the City's policy and procedure for FMLA Leave or Short-Term Family Leave (information on this can be found in the Mayor's Office).



An employee should ask to speak to his/her supervisor when calling to inform the City of an unexpected absence or late arrival. An employee, who is unable to call in for himself/herself because of an illness or emergency or for some other reason, should have someone call for him/her. An employee absent because of an illness for three (3) or more successive days, must submit written documentation if requested by employee's supervisor from a doctor stating he/she is able to resume normal work duties before he/she will be allowed to return to work. (The City will pay for this certification if it entails charges in addition to those already incurred for treatment). FMLA may also be used for absences of 5 or more days or in the case of absence due to a chronic health condition.

A consistent pattern of absences that do not qualify for FMLA leave or Short-Term Family Leave may be considered excessive, and may be cause for concern and/or discipline. In addition, excessive lateness or leaving early without letting a supervisor know will be considered a "lateness pattern" and may carry the same weight as an absence. Other factors, like the degree and reason for lateness, will be taken into consideration.

Supervisors will make a note of any absence or lateness, along with the reason, and place this documentation in the employee's personnel file. Excessive absences, lateness or leaving early may lead to disciplinary action, including possible termination. The City reserves the right to have an employee evaluated by a City-designated physician in accordance with Massachusetts and Federal law.

### **ACCESS TO PERSONNEL FILES POLICY**

Access to personnel files of municipal employees is governed by the Public Records Law, G.L. Chapter 66, Section 10 and by the definition of G.L. Chapter 4, Section 7, current and former employees have the right to review their personnel files.

A personnel record is any information that has or could be used relative to an employee's qualification for employment, promotion, transfer, additional compensation or disciplinary action, as well as information kept separately from the central files, such as memos and notes maintained by supervisors. A personnel file does not include personal information about someone other than the employee, if disclosure of such information would constitute a clearly unwarranted invasion of privacy. Medical and/or psychological information about employees is

maintained in a secure "reserved" section of an employee personnel file.

An employee must make a written request to review and/or receive a copy of his/her personnel file. An employee submitting such a request will be allowed to view his/her file within five (5) business days of making the request. An employee seeking to obtain a copy of his/her file will be accommodated within a reasonable period of time.

If there is disagreement with any information in the personnel record, the City and the employee may mutually agree to remove or correct it. If agreement is not reached, the employee may submit a written statement explaining the disagreement. The statement will be retained in the personnel record. If the statement upon which there was original disagreement is transmitted to a third person; the employee's written response will also be transmitted.

Disclosure to outside sources will be limited and will only take place in accordance with governing laws.

### **RELIGIOUS HOLIDAY POLICY**

It is the policy of the City of Newburyport that no one shall be subject to discrimination based on age, disability, national origin, race, color, military service, marital status, religion, sex or sexual orientation.

With regard to religion, this policy prohibits the City of Newburyport and its employees while at work or representing the City of Newburyport, from taking action that promotes religion or promotes one particular religion over another. The City of Newburyport may not create an atmosphere which in anyway suggests it favors one religious

expression. The City will make reasonable accommodation for the religious practices of employees including modifying an employee's work schedule to enable the employee to have certain days off.

### **HOURS OF WORK AND OVERTIME POLICY**

#### **Exempt Employees**

Exempt employees are expected to work the hours necessary to complete their jobs assignments in a professional manner. Department heads are authorized to exercise discretion in modifying schedules from time to time in recognition of excess hours worked.

### Non-Exempt Employees

The City shall pay overtime for work in excess of forty (40) hours in a workweek in accordance with the provisions of the Fair Labor Standards Act (FLSA). Certain positions, however, such as police officers and firefighters, may not be eligible for overtime until they work a greater number of hours if a different threshold is provided for by the FLSA or collective bargaining agreement. Department heads shall be responsible for the control and authorization of overtime. Overtime shall be authorized at the discretion of a department head.

## **HARASSMENT POLICY**

The City of Newburyport is committed to an environment that permits employees to develop and pursue opportunity free from harassment on the basis of national origin, race, color, sex, gender identity/expression, and age, a person's service in the military, religion, sexual orientation or disability. An employee who feels that he/she is the subject of harassment or that he/she has witnessed any harassment, should immediately contact her or his supervisor or Human Resources. If someone in the employee's direct chain of command is the alleged harasser, the employee may proceed outside the chain of command and take his or her complaint directly to Human Resources. All complaints of harassment will be promptly investigated. The City will preserve the confidentiality of harassment complainants and witnesses as much as possible consistent with a thorough investigation. There will be no retaliation against any employee who reports harassing conduct.

Prompt, corrective action, up to and including termination of employment will be taken when an investigation of a harassment complaint confirms the allegations. Consistent with the City's overall objectives, it is the policy of the City of Newburyport to maintain a work environment free from all forms of harassment and to insist that all employees are treated with dignity, respect, and courtesy. This policy extends to comments or conduct of a sexual nature, where such behavior tends to threaten or offend a fellow employee.

### **What is Harassment?**

Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, pranks, intimidation, physical assaults or contact, or violence that substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment. Harassment is not necessarily sexual in nature. It may also take the form of other activity, including

derogatory statements, not directed to the targeted employee but observed by the affected employee. Other prohibited conduct includes, but is not limited to, written material such as notes, photographs, cartoons, articles of a harassing or offensive nature, and taking retaliatory action against an employee for discussing or making a harassment complaint.

### **Responsibility**

All employees, and particularly supervisors, have a responsibility for keeping our work environment free of harassment. Any employee who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to his/her immediate supervisor and/or Human Resources. When a member of management becomes aware of the existence of harassment, he/she must report it to Human Resources whether or not the victim wants the City to do so.

### **Reporting**

It is essential to notify the respective supervisor and/or Human Resources immediately even if you are not sure the offending behavior is considered harassment. Any incidents of harassment must be immediately reported. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed. Any employee found to have harassed a fellow employee or subordinate will be subject to severe disciplinary action up to and including termination. Human Resources will also take any additional action necessary to appropriately remedy the situation. Retaliation of any sort will not be permitted. No adverse employment action will be taken against any employee who makes a good faith report of alleged harassment or who participates in the investigation of such a complaint.

## **PREVENTION AND ELIMINATION OF SEXUAL HARASSMENT IN THE WORKPLACE POLICY**

### **DEFINITION OF SEXUAL HARASSMENT**

It is the goal of the City of Newburyport to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings related to their employment is unlawful

and will not be tolerated by the City of Newburyport. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the City of Newburyport takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfied the definition of sexual harassment.

In Massachusetts, "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess
- Displaying sexually suggestive objects, pictures, cartoons
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments
- Inquiries into one's sexual experience
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the City of Newburyport.

### **Considerations**

Sexual harassment is not, by definition, limited to prohibited conduct by a male toward a female, or by a supervisor toward a non-supervisory employee. Sexual harassment includes the following:

- A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser
- The harasser may be an employee's supervisor; a co-worker; a supervisor in another department or even a non-employee
- The victim does not have to be the opposite sex from the harasser

- The victim does not have to be the employee at whom the unwelcome sexual conduct is directed. The victim also may be someone who is affected by such conduct when it is directed toward another person; e.g., the sexual harassment of one employee may create an offensive working environment for another employee in the same office.

## **PROCEDURES FOR REPORTING INCIDENTS**

Any employee believing that he/she has been the object of harassment should make a written report of any such incident as soon as possible to the Human Resources Office. The Human Resources Office, will thoroughly and promptly investigate every reported incident of employee harassment. Complete confidentiality cannot be guaranteed but every effort will be made throughout the investigation to respect the confidences and sensitivities of all persons involved in the incident. The concerned employee will be afforded protection from retaliation, and the results of any investigation of alleged harassment shall be promptly communicated to the employee. Obviously, sexual harassment claims should not be frivolous, and an employee making a claim should be willing and able to substantiate the claim.

## **SANCTIONS**

Sexual harassment claims will not be taken lightly. Any employee found to have engaged in sexual harassment in violation of this policy is subject to disciplinary action, up to and including termination of employment. In addition, supervisory employees who knowingly tolerate an environment of sexual harassment in the workplace will be subject to disciplinary action up to and including termination.

This formal policy simply reinforces the City's philosophy emphasizing the personal worth and dignity of an individual in the workplace. One of the City's objectives is to provide a workplace environment in which creativity and productivity are allowed to flourish. Sexual harassment in any form is counterproductive, not in the best interest of the City or its employees, and will not be tolerated.

In addition to the above, if an employee believes that he/she has been subjected to sexual harassment, he/she may file a complaint with either or both of the government agencies set forth below. Using the City's complaint process

does not prohibit the filing of a complaint with these agencies. Each of these agencies has a short time period for filing a claim (EEOC - 180 days; MCAD - 6 months);

The United States Equal Opportunity Commission (EEOC)  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800) 669-4000

The Massachusetts Commission Against Discrimination (MCAD)  
One Ashburton Place  
Sixth Floor Room 601  
Boston, MA 02108  
(617) 994-6000  
TTY (617) 994-6196

## **EMPLOYEE MEDIA RELATIONS/SPOKESPERSON POLICY**

### **Purpose**

The following policy has been enacted in the interest of ensuring that, to the best of its ability the City of Newburyport and its employees will facilitate the accurate and prompt exchange of information with the news media as follows:

1. Providing useful and accurate information in a timely and professional manner regarding City business as a whole.
2. Ensuring, as much as possible, that consistent information is being disseminated by the City.
3. Ensuring that the Mayor, staff, media and general public are aware of any communication issues.
4. Utilizing the media as a resource, particularly in an emergency, disaster or crisis situation.
5. Fostering a cooperative working relationship between the City and the media.
6. Establishing procedures for responding to media inquiries, including identifying a City spokesperson.
7. Clarifying the difference between being a spokesperson on behalf of the City and the expression of individual opinions of appointed officials about matters related to the City.

### **Scope**

This policy applies to all appointed and contracted City employees.



## **Definitions**

For the purpose of this policy, the following words and phrases when used herein shall be construed as follows:

*City Staff* is defined as all employees of the City including full, part-time, union, non-union and contracted individuals.

*Spokesperson* is defined as the person most knowledgeable and informed about a particular subject matter. In the event of a media inquiry, the spokesperson may be the Mayor or his/her designee or incident specific Department Head or any of these individual's respective designees.

*Guideline* is a term for purposes of this policy to mean a statement or other indication of policy or procedure by which to determine a course of action.

*Press Release* is information prepared for dissemination to the news media, reproduced on letterhead identifying the City as the source. A press release should be timely and complete.

*Press Conference* is a scheduled media gathering, planned by the Mayor or designee when an emergency, announcement or other significant information must be disseminated in a timely, coordinated manner to the multiple media outlets.

*Non-routine Media Requests* typically involve responses that require interpretation of policy, involve employee information or are in response to an emergency situation or a controversial issue.

*Routine Media Requests* typically involve responses that require information that is incidental or inconsequential in nature.

*Sensitive and Controversial Issues* as that term applies to this policy may include, but are not limited to:

1. Personnel issue related to any City employee, such as performance evaluation, reasons for termination, reasons for not hiring, harassment claims.
2. Legal claims or lawsuits filed against the City or any of its employees or agents.

3. Issues that may affect the City's public image or citizen confidence.

## **GENERAL PROCEDURES**

The following procedures and standards will be used by all departments as applicable to media relations within the City of Newburyport.

Spokesperson. In most cases there will be one spokesperson designated for response to each inquiry. For City-wide inquiries, the spokesperson will most often be the Mayor. For department-related issues, the spokesperson will most often be the Department Head.

Primary City Contact. The Mayor will serve as the primary source of City information, providing background information about City issues, policies and services.

Media Inquiries. Every effort should be made to meet media deadlines and ensure that all information released is accurate. Accuracy of information takes precedence over media deadlines.

Routine Media Requests may be responded to by an employee if the response is of a factual, incidental or inconsequential nature (i.e., special event schedule).

Non-Routine Media Requests should be forwarded to the Mayor prior to response. These may include responses that require the interpretation of policy, employee information.

Sensitive and Controversial Issues often become headlines for the news media. This provides the framework for the City to respond appropriately and as soon as possible to sensitive and controversial issues as described in the "Definition" section of this policy.

1. Sensitive and controversial issues pertaining to internal operations of the City organization should be immediately forwarded to the Mayor in order to prepare for or respond to media inquiries. The Mayor will communicate with Department Heads and City officials as necessary, including the City Attorney, to develop suitable strategies for each issue and determine an appropriate spokesperson.

- a. Staff should not speak to a reporter or editor about a sensitive or controversial issue without authorization and prior approval by the Mayor.
  - b. Sensitive and controversial issues of interest to the media may be best assessed by asking the following:
    - i. Is the issue a threat, existing or potential, to life, health and property?
    - ii. Could the issue likely be interpreted to negatively affect public confidence in or the opinion of the City's government?
    - iii. Is the issue of particular interest to the general public?
    - iv. Are there legal ramifications, existing or potential, raised by the issue?
    - v. Has more than one member of the media inquired about the same issue?
    - vi. Has someone or some aspect of it threatened to go to the media about the issue?
    - vii. Is there unusual or inappropriate interest by a person or small group of people about a seemingly routine issue?
  - c. Public Records Requests from the media or general public for details or other information related to a sensitive or controversial issue must be made in writing and in all other respects shall be in accordance with RSA 91-A the "Right to Know Law." All public records will be forwarded to the Mayor and/or the proper Department Head immediately upon request.
2. Press releases will be prepared and issued by the appropriate spokesperson or designee as newsworthy information becomes available or as events occur, with a copy sent to the Mayor. Any press releases relating to a sensitive or confidential matter shall be prepared and issued by the Mayor or his/her official designee.
  3. Press briefings may be conducted to educate the news media about potentially controversial issues and provide reporters an opportunity to ask in-depth questions. In most briefings, the City should endeavor to provide extensive background materials, facts sheets and explanatory materials.
  4. Press Conferences will be held at the direction of the Mayor to announce or respond to an issue of significance or controversy with a united voice pertaining to facts, information, rules and emergency or crisis situation or the established policy/rules of the City. A press conference allows City officials to effectively respond at one sitting rather than responding individually to many media contacts. A press

conference may be called when:

- a. The issue to be announced is best conveyed at a press conference.
- b. Major participants of a project are available to highlight their participation and respond to media inquiries “together”.
- c. The issue is likely to produce controversy.
  - i. Press conferences will be planned in advance and coordinated by the Mayor.
  - ii. A spokesperson for the press conference will be selected by the Mayor.
    - Additional personnel may be required to attend who can provide background information and details.

City Employee Responsibilities and Guidelines:

1. It is the responsibility of employees to immediately notify their supervisor or Department Head of significant events or issues that occur and may be of major interest to the general public.
2. Unless restricted by specific departmental policies, employees may respond directly to media inquiry regarding routine, factual information relating specifically to his/her function and information of inconsequential nature.
3. If the inquiry involves policy issues, the staff member may only respond after direction to do so from his/her Department Head.
4. No employee shall provide media interviews unless approved by the Mayor or Department Head.

Department Head Responsibilities and Guideline

1. It is the responsibility of Department Heads to immediately notify the Mayor of significant events or issues that occur within their departments and may be of major interest to the general public. The Mayor will determine the appropriateness of contacting the necessary personnel. Examples include, but are not limited to:
  - a. Injury, termination serious illness, or death of an employee.
  - b. Major malfunctions of City equipment, facility or infrastructure that could impact the general welfare of the public, environment or ability to provide service.
  - c. An unexpected work stoppage or inability to provide a critical City service.
  - d. The arrest of an employee.

- e. Programs and employees receiving awards.
2. Upon receiving a media inquiry that requires additional information which the Department Head is unable to provide, the inquiry will be immediately forwarded to the Mayor.
  - a. The Mayor will work with the Department Head to develop a simple strategy to properly respond.
  - b. The Department Head may forward the inquiry to a staff member.

### **GENERAL MEDIA INTERACTION GUIDELINES**

1. Respond to inquiries within your purview. Do not respond to matters that do not directly related to your professional responsibility for the City.
2. Do not offer legal opinions on City politics or activities.
3. Do not discuss employees or personnel actions.
4. Do not speculate about what action the City will take.
5. Inquire of the story's focus, the reporter's deadline and story publication date.

### **DISSEMINATION OF PRESS RELEASES**

1. Press releases shall contain contact information for the appropriate spokesperson and other City staff as designated.
2. Press releases shall be distributed electronically (email) and via facsimile to appropriate media (television, newsprint, radio).
3. City press releases will be distributed to the Mayor and forwarded to the City's webmaster for posting on the City's official website.

### **EMPLOYEES AS PRIVATE CITIZENS**

The following guidelines are offered to employees who may choose to contact the media as a private citizen. These guidelines do not prohibit such contact, but establish acceptable methods of doing so.

1. *Letters to the Editor* or similar may not be prepared on City time, printed on City letterhead stationery, or mailed at City expense.

2. Responses or letters shall not include the employee's official title or imply that the response is on behalf of the City of Newburyport organization.
3. Telephone contact may not be made on City time using City telephones or City-issued cell phones.
4. Use of City email is prohibited.
5. Use of City facilities or supplies is prohibited.
6. Statements made to the media shall not disrupt public meetings or interfere with the City's operations.
7. These guidelines also apply to employees responding to or initiating media contact as official representatives of employee groups.
8. Employees will not be disciplined for exercising their rights as private citizens.

### **SEVERABILITY**

If any provision of this policy is held to be invalid or other provisions and sections shall not be affected, and to this end, the provisions and sections hereof are declared to be severable.

### **ALCOHOL AND DRUG-FREE WORKPLACE POLICY**

The City of Newburyport has a strong commitment to its employees to provide a safe work place and to establish programs promoting high standards of employee health. Consistent with the spirit and intent of this commitment, the City of Newburyport has established this policy regarding drug and alcohol use or abuse. Simply, our goal will continue to be one of establishing and maintaining a work environment that is free from the effects of alcohol and drug use.

Employees of the City of Newburyport are visible and active members of the communities where they live and work. They are inescapably identified with the City and are expected to represent it in a responsible and credible fashion. The vast majority of our employees reflect credit upon themselves and the City of Newburyport.

While the City of Newburyport has no intention of intruding into the private lives of its employees, the City does expect employees to report for work in condition to perform their duties. The City recognizes that employee off the job and on-the-job involvement with drugs and alcohol can have an impact on the work place and on our ability to

accomplish our goal of an alcohol and drug-free work environment.

The following is the City of Newburyport's policy:

The illegal use, sale, or possession of narcotics, drugs, or controlled substances while on the job or on City property are offenses that warrant disciplinary action; up to and including discharge. If an employee witnesses the use, sale or possession of illegal substances he/she should notify the Mayor's office immediately.

Employees who are involved with off-the-job drug activity may be considered in violation of this policy. In deciding what action to take, management will consider the nature of the charges, the employee's record with the City and other factors relative to the impact of the employee's arrest upon the conduct of City business.

Examples of drugs that are illegal under federal, state or local laws include, among others, marijuana, opiates, hashish, cocaine, hallucinogens, amphetamines, depressants, Phencyclidine, and any other controlled substance.

Employees who are under the influence of alcohol, either on the job or when reporting for work, or who possess or consume alcohol during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Employees engaged in such activity will be subject to immediate termination of employment.

Employees must follow the directions of their health care providers concerning prescription medications, and must immediately notify their supervisors of their use of any prescription drug could affect the performance of their jobs. Employees engaged in safety sensitive functions that do not report such use prior to commencing work would be considered to have violated the policy on drug use and will be disciplined accordingly. Employees using prescription drugs will be required to produce documentation of such prescription. In addition, the City must be notified of any prescription drug or over the counter drug use at the time of any testing or screening for controlled substances.

Any employee, while on City property or during that employee's work shift, including without limitation all breaks and meal periods, consumes or uses, or is found to have in their personal possession, in their locker or desk or

other repository, alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation. If use or possession is substantiated, disciplinary action, up to and including discharge will be imposed.

The City maintains an Employee Assistance Program (EAP), which is available to employees who wish to seek treatment for substance abuse. The City will have no knowledge of the employee participation in the EAP because the program is entirely confidential. Employees who choose to utilize the services of the EAP are not excused from their job duties and will still be subject to discipline for violations of the City drug and alcohol policy.

The Employee Assistance Program is offered through the Massachusetts Interlocal Insurance Association (MIIA): 1.800.451.1834.

### **SMOKING IN THE WORKPLACE POLICY**

The Massachusetts Smoke-free Workplace Law (MGL Chapter 270, Section 22, "An Act to Improve the Public Health in the Commonwealth") prohibits smoking in workplaces in order to protect employees and the public from secondhand smoke. This law amends the 1988 Massachusetts Clean Indoor Air Law.

There shall be no smoking permitted in any public building in the City of Newburyport.

This policy is not only promulgated to comply with the law, but also for the purpose of promoting a safe and healthy environment in work areas of the City of Newburyport. It is intended to reduce the health risks associated with exposure to tobacco smoke.

### **SERIOUS DISEASE POLICY**

It is the policy of the City of Newburyport that employees with infectious diseases, long-term, life threatening or other serious diseases may work as long as they are physically and mentally to perform their duties of their job without undue risk to their own health or that of other employees. Serious diseases, for the purpose of this policy include, but are not limited to cancer, heart disease, multiple sclerosis, hepatitis, tuberculosis, human



immunodeficiency virus (HIV), and acquired immune deficiency syndrome (AIDS).

Employees with a serious disease are to be treated no differently than any other employee. An employee who believes he/she needs an accommodation because of a serious disease should discuss this with his/her supervisor and/or Human Resources.

Employees concerned about being infected with a serious disease by co-worker should convey their concerns to their supervisor and/or Human Resources. Human Resources will investigate and provide a ruling. An employee, who refuses to work with a person known or suspected to have a serious disease, will be subject to disciplinary action up to and including termination.

## **TECHNOLOGY RESOURCES INFORMATION**

### **INTRODUCTION**

The City 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, and mobile phones to employees and other authorized users working in the City to efficiently provide City services. All employees using the City's ITR have an obligation to use the City's ITR in a responsible manner, conforming to network etiquette, customs and courtesies and in compliance with this policy. The City determines which, if any, ITR are appropriate for each position and provides ITR to employees where appropriate at the City's discretion. Use of the City's ITR is a privilege which may be revoked at any time for conduct which violates this policy.

### **COMPLIANCE WITH POLICY**

- A. Employees Responsibilities. Every employee who is authorized to use City ITR will be provided with a copy of this policy. It is the responsibility of an employee using the City'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 City's Director of Information Technology at 978-465-4472. Failure to comply with this policy may result in suspension or termination of employment.

B. Prohibited Conduct. The use of the City'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 City's ITR, however, employees are prohibited from using the City's ITR:

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 City or the employee's role at the City;
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, Chap. 55 ;
10. to libel or otherwise defame any person;
11. to download and/or install non-City 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 on-line gambling sites;
15. to connect unauthorized or unapproved computers, printers or peripherals to the City'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 City's network;
18. for any use that causes interference with or disruption of the City's ITR;
19. for any use that causes interference with or disruption of the City's network users or resources;  
or,
20. for any use which violates other City policies, including, but not limited to, the City'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 City's Information Technology Director for guidance.

C. City Business Use. The City's ITR, including, but not limited to, the City's email and other on-line services, are the property of the City of Newburyport, and should be used only for businesses purposes associated with the City. The City'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 sue does not (i) directly or indirectly interfere with the City's operation of computing facilities or electronic mail services; (ii) burden the City 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 City. 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 the ITR or any other misuse of ITR may result in serious disciplinary action up to and including termination of employment. Use of the City's ITR is a privilege, not a right, and may be revoked at any time for inappropriate conduct.

## **PUBLIC RECORDS**

Email messages are considered public records, are subject to disclosure and record retention requirements of the 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 City-assigned email account (email address) must conduct City-related email business via that account; unless unavailable due to the employee being off-site.

## **MONITORING AND NO EXPECTATION OF PRIVACY**

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

The City’s computer system automatically stores and/or records information transmitted on the system including password-protected materials, data, information, email communications and websites viewed. The City may monitor employee use of ITR, including, but not limited to, computer equipment, email, the internet, websites visited, and files downloaded by the employee. Therefore, employees should not consider ITR and any communications, transmissions, websites 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 City’s ITR is subject to monitoring by the City, at any time without notice and notwithstanding any password(s), including, but not limited to, data incoming and outgoing email communications and attachments, websites visited or viewed and files downloaded. Use of the City’s ITR system constitutes consent to monitoring and is conditioned upon strict adherence of this policy.

## **PRECAUTIONS AGAINST COMPUTER VIRUSES**

All users are expected to undertake precautions to prevent infection of City computers by computer viruses. In particular, executable programs imported from other sites to City computers must not be used unless the Information Technology Department has authorized them and they have been subjected to virus detection procedures approved by the Information Technology Department. The Information Technology 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.

## **POLITICAL ACTIVITIES AND CONFLICTS OF INTEREST**

An employee's use of the City's ITR must not conflict with the State's Conflict of Interest Laws (M.G.L. c. 268A) or Campaign Finance Law (M.G.L. c. 55). Notwithstanding, the provisions of §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 1992 and revised in October of 1996 by the Office of Campaign and Political Finance.

## **ADDITIONAL RESPONSIBILITIES OF DEPARTMENT HEADS, MANAGERS AND SUPERVISORS**

Managers and supervisors are responsible for ensuring that all employees under the supervision using any of the City'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 access to the City's ITR has read and signed a copy of this policy. The Information Technology 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 City'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.

Please find Information Technology Department Policy at the back of this handbook.

## **PERSONAL CELLUAR PHONE**

While at work employees are expected to exercise the same discretion in using personal cellular phones as

expected for the use of City phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. A reasonable standard is to limit personal calls during work time to no more than one or two per day as needed. Employees are therefore asked to make any other personal calls on non-work time and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention. The City, however, reserves the right to implement further restrictions or prohibitions in the event that productivity and safety are significantly impacted by personal cell phone use. Further, the City will not be liable for the loss of personal cellular phones or other handheld electronic devices brought into the work place.

### **CAMERA PHONE**

Unless authorized for legitimate City business assignment or job duties, the City prohibits employee use of phone cameras and video records in the workplace, as a preventive step necessary to secure employee privacy, and personal/confidential information.

### **CELLULAR PHONE POLICY**

It is the policy of the City of Newburyport to consider the issuance of a cellular device when the responsibilities of an employee require: The employee to be reachable immediately; The employee to be reachable or on call outside of normal business hours; The employee to be away from a fixed workstation where timely communication is difficult to transact. The final decision on whether an employee will be issued a cellular device rests with the Department Head. However, cellular devices will not be issued to contract employees, temporary personnel, consultants, or other workers that do not have a compelling use for a Cell Phone. The Mayor has ultimate authority interpreting and administering the City Cellular Phone Policy.

Employees in possession of City equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return, inspection, or replacement. Employees unable to present the phone in good working condition within the time period requested, may be expected to bear the cost of replacement.

## **WORKPLACE VIOLENCE POLICY**

The City of Newburyport maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, or anyone who conducts business with the City. It is the intent of the City to provide a workplace which is free from intimidation, threats or violent acts.

Workplace violence includes, but is not limited to harassment, threats, physical attack, or property damage. A threat is the explicit or implicit expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. Physical attack is intentional hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is intentional damage to property that includes property owned by the City, employees, or others.

Specific examples of conduct that may be considered threats or acts of violence include, but are not limited to, the following:

1. Hitting or progressing to shoving an individual
2. Directly or indirectly threatening an employee or his/her family, friends, associates, or property with harm, including behavior or remarks that could reasonably be construed as threatening, e.g., having literature about assault weapons in the workplace.
3. Intentional destruction or threatening to destroy City property.
4. Making harassing or threatening phone calls from or to the City workplace or to a City employee.
5. Harassing surveillance or stalking (following or watching) a City employee or family member.
6. Unauthorized possession or inappropriate use of firearms or weapons.

## **PROCEDURE FOR REPORTING THREATS**

The City subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be immediately reported to department management. Management will assess and investigate the incident and determine the appropriate action to be taken. Department management will inform the Mayor's Office and Human Resources of all reported incidents of workplace violence and will inform the employee of his/her right to have the Police Department notified.

In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified. As necessitated by the seriousness of the incident, the Mayor and Human Resources may assemble a Management Response Team that consists of staff from the affected Department and Human Resources and may include the Employee Assistance Program (EAP), Emergency Management, Police Department and others as deemed necessary.

The Management Response Team is responsible for establishing the protocol in the event of a threat or violent incident that may include but is not limited to

- evaluating the potential violence problems
- assessing an employee's fitness for duty
- establishing a plan for the protection of co-workers and other potential targets
- coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel
- referring victims to appropriate assistance and community service programs
- assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individuals

Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

### **PROHIBITED ACTIONS**

It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined by the department head to be in violation will be subject to disciplinary action up to and including termination.



## **DEPARTMENTAL SECURITY AUDITS**

Whenever the physical layout of the workspace is significantly altered, the Department Head will examine the escape routes of the work area and communicate any changes to all department employees. On an as-needed basis, the Department Head may request a security audit from the Police Department to determine available security measures. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of a violent incident.

## **EMPLOYEE TRAINING**

The Department Head, or designee, will orient all new employees to departmental procedures regarding reporting incidents of violence, what to do if the employee is threatened or if an incident of violence actually takes place, and dealing with the after effects of an act of violence.

## **VEHICLE SAFETY AND USE POLICY**

The purpose of this policy is to set forth guidelines under which authorization of City vehicles to City

## **MUNICIPAL VEHICLES**

It is the policy of the City of Newburyport that certain positions require employee access to Municipal Vehicles, either during their work shift or on a 24-hour on-call basis. Municipal Vehicles are not Personal Vehicles and are not for personal use. Municipal Vehicles should be viewed as belonging to the citizens of Newburyport and are assigned solely for the purpose consistent with providing services to those citizens.

## **PERSONAL VEHICLES**

It is the policy of the City of Newburyport to reimburse employees for reasonable expenses which they must incur as a result of Personal Vehicle use on behalf of the City. Receipts and Expense Reports must be submitted in a timely fashion (monthly) in order for employees to be reimbursed for such expenses.

## **VEHICLE STIPEND**

It is the policy of the City of Newburyport that in the event an employee is required to use his/her Personal Vehicle on a year-round basis, and that employee has not be assigned a Municipal Vehicle, the Mayor may authorize the payment of a Vehicle Stipend. Such stipend may be rescinded with 30-day written notice. The provisions of this policy apply to all municipal government employees. Employees whose employment is regulated by collective bargaining agreement are subject only to those provisions of this policy not specifically regulated by agreement.

The assignment of municipal vehicles during work time is based upon job description. When municipal vehicles are available for this purpose, they may be assigned in a manner consistent with departmental workload and employee function. The assignment of vehicles may be rescinded at any time by a Department Head or the Mayor.

The assignment of vehicles for 24-hour use will be made by the Mayor, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions. Criteria which will be used in the determination of eligibility for 24-hour vehicle use include:

- Officially designated on-call status
- Requirement for frequent emergency availability during non-working hours
- Issuance of a pager or other communication device
- Emergency or other equipment contained in the vehicle

Such municipal vehicle assignment may be rescinded in writing for good reason or cause by the Department Head and/or Mayor.

Vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route within reason or by express permission from the Mayor. Employees assigned a municipal vehicle for 24 hour use involved a commute of more than 25 miles one way shall reimburse the city for the additional fuel cost as determined by the City Treasurer.

An employee assigned municipal vehicles on a 24-hour basis will be given a copy of this policy and will be required to sign a **Confirmation of Receipt**.

### **Rules Governing Use**

1. All municipal vehicles, except emergency vehicles, will bear the City Seal and "City of Newburyport" prominently displayed on each side of vehicle.
2. Municipal vehicles may only be used for legitimate municipal business.
3. Municipal vehicles will not be used to transport any individual that is not directly or indirectly related to municipal business. Passengers shall be limited to City employees and individuals who are directly associated with City work activity (committee members, consultants, contractors, etc.). Family members shall not ordinarily be transported in municipal vehicles. Police Officers transporting individuals in the performance of their normal job duties are exempt from this provision.
4. Vehicles should contain only those items for which the vehicle is designed. The City shall not be liable for the loss or damage of any personal property transported in the vehicle.
5. Employees are expected to keep municipal vehicles clean, and to immediately report any malfunction or damage to their supervisor.
6. Employee's assigned vehicles for commuting purposes are expected to park such vehicles in safe locations and to lock the car when not in use. Operators should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle.
7. Employees (both driver and passengers) must wear seatbelts in vehicles so equipped during operation of the vehicle.
8. All operators of vehicles that require a Commercial Driver's License (CDL) license must be tested for drugs and alcohol as provided by US DOT regulations and the City drug/alcohol policy.
9. Employees may not operate municipal vehicles under the influence of alcohol, illegal drugs, prescription drugs or medications that may interfere with effective and safe operations.
10. Employees who operate municipal vehicles must have a valid motor vehicle license issued by the State of their current residence and may be required to provide proof of valid motor vehicle license once every six (6) months.

11. All new drivers must allow a motor vehicle record check prior to driving any City-owned vehicle. This record check will be done every other year thereafter. An adverse drug record, regardless of what vehicle it occurred in, may result in revocation of an employee's privilege to operate municipal vehicles. If operating a municipal vehicle is an essential job function, reclassification or termination could result.
12. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
  - a. Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fines unless the payment of such fines is approved by the City.
  - b. Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor immediately when practicable, but in no case later than 24 hours. Failure to provide such notice will be grounds for disciplinary action.
  - c. Employees who are assigned a municipal vehicle and/or personal vehicle and who are arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his/her personal vehicle or in a municipal vehicle, must notify his/her supervisor immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.
13. No employee may use a municipal vehicle for out of State use without advance approval of the Mayor.
14. Under NO circumstances will any person ride in the bed of a truck, or in a trailer or bucket of a loader or backhoe.
15. Smoking is not permitted in a municipal vehicle in accordance with MGL c270 §22.
16. When utilizing a municipal vehicle, employees are required to obtain fuel from designated municipal fueling facilities unless fueling is required in the course of out of town travel.
17. Electronic messaging while operating a motor vehicle is not permitted in accordance with M.G.L. Ch.90, Sec. 13B.

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of City vehicle privileges, suspension, and/or termination from City service.

**PERSONAL VEHICLES**

When an employee is authorized to use a Personal Vehicle for work-related travel, he/she shall be reimbursed for mileage at the IRS standard mileage rate, unless covered by contract or stipend. According to the IRS, the standard mileage rate for business purposes is based on an annual study of the fixed and variable costs of operating a vehicle. Employees will be notified by Human Resources of any changes to the IRS rate.

In accordance with the IRS regulations/rulings, the mileage rate is intended to cover, but is not limited to, the cost of fuel, repairs, insurance, all operating costs, and general wear and tear on the Personal Vehicle.

Reimbursement Expenses:

1. In addition to the mileage rate, the City will reimburse employees authorized to travel outside of Newburyport, driving a Personal or Municipal Vehicle, for tolls, and reasonable parking expenses, when receipts are provided
2. Employees receiving a Vehicle Stipend will not be reimbursed for tolls, but may be reimbursed for reasonable parking expenses. Employees will not be reimbursed for tolls that are paid by the employee during his/her normal commute to work.

Employees who are authorized to use Personal Vehicles for work-related travel are required to show proof to their Department Head and/or Human Resources, on an annual basis, of the following minimum levels of insurance coverage:

Bodily Injury	\$100,000/\$300,000
Property Damage	\$50,000

Employees will not be reimbursed for commuting between their homes and offices or other regular work locations.

In order to be reimbursed for Personal Vehicle use, employees must complete a Mileage Form and submitted with appropriate back up documentation and/or receipts in a timely manner to the appropriate Department Head.

Driving Record:

1. If an employee uses his/her Personal Vehicle for work-related travel on a regular basis, the employee maybe subjected to a driving record check. This would occur if the city is made aware of an employee having a driving record this is of a safety concern:
  - A copy of the operators Massachusetts drivers record shall be obtained by Human Resources to verify the historical driving record of the operator.
  - If the operator has an out-of-state license, then the operator must provide, upon request, a copy of their existing State driver's license to Human Resources. Any out-of-pocket expense in obtaining a copy of the driving record will be reimbursed by the City upon submission of a receipt, in a timely fashion.
2. Driving records shall be reviewed by the Department Head and/or Human Resources
3. Driving records determined to be a safety concern by the Department Head and/or Human Resources may result in the disapproval of an employee's Personal Vehicle use for work-related travel, after consultation with the appropriate Department Head.

### **CELL PHONE USAGE IN A VEHICLE**

Cell Phone Usage in a vehicle applies to any device that makes or receives phone calls, leave messages, sends text messages, surfs the Internet or downloads and allows for the reading of and responding to email whether the device is City-supplied or personally owned. An employee who uses a City-supplied device or a City-supplied vehicle is prohibited from texting while driving. To safely use your cell phone or similar device it is advisable to stop your vehicle in a safe location or employ a hands-free device. Electronic messaging while operating a motor vehicle is not permitted in accordance with M.G.L. Ch.90, Sec. 13B.

### **EMPLOYMENT OF MINORS POLICY**

Seasonal Employees / "Summer Help" / Interns

#### **Minors Sixteen (16) Years of Age and Older**

Minors sixteen (16) years of age and older may perform most types of work, except work involving hazardous occupations as established by the State and Federal Secretaries of Labor. These occupations are:

**Prohibited Hazardous Occupations for Minors under age Eighteen (18)**

- manufacturing and storing explosives
- motor vehicle driving
- coal mining
- logging and saw-milling
- operating power-driven wood working machines
- operating power-driven hoisting apparatus
- any work causing exposure to radioactive substances
- operating power-driven metal-forming, punching and shearing machines
- mining, other than coal mining
- slaughtering, or meat packing , processing or rendering
- operating power-driven bakery machines
- manufacturing brick, tile and similar products
- operating power-driven paper product machines
- operating power-driven circular saws, band saws, and guillotine shears
- wrecking, demolition and ship-breaking
- roofing
- excavating
- working in railway operations
- working in foundries, or working in or about blast furnaces
- buffing or polishing equipment
- handling, serving or selling alcoholic beverages
- working as a firefighter or engineer on any boat or vessel
- manufacturing white or yellow phosphorous matches
- working at any occupation over thirty feet above the ground, floor or water level  
(including washing windows in a public or commercial building if the window sill is more than ten (10) feet above the ground or floor level, or the roof of an adjoining building).

Minors sixteen (16) years of age and older may not work more than nine (9) hours per day, nor more than forty-eight (48) hours per week.

Minors sixteen (16) years of age and older may not work between 10:00 p.m. and 6:00 a.m. (except in restaurants and race tracks, they may work until 12:00 p.m. Fridays, Saturdays and during school vacations, not including the last day of the vacation).

Minors sixteen (16) years of age and older must submit an educational certificate which they have obtained from their school or the Superintendent of Schools in the city/town where they live.

The City must keep posted in a conspicuous place, in the room where such a minor is employed or reports to work, a printed notice or schedule stating the number of hours such minor is required or permitted to work on

each day of the week, the total number of scheduled hours for the week, the hours commencing and stopping work, and the hours when the time is allowed for meals begins and ends for every day of the week.

#### **Minors Fourteen (14) and Fifteen (15) Years Old**

Minors fourteen (14) and fifteen (15) years old must have on file an "Employment Permit" from their school or the Superintendents of Schools in the city or town in which they live.

Minors fourteen (14) and fifteen (15) years old may not be employed during school hours (unless as part of a qualifying "work experience program").

Minors fourteen (14) and fifteen (15) years old may not be employed between 7:00 p.m. and 7:00 a.m. (except that from July 1 through Labor Day they may work until 9:00 p.m.)

Minors fourteen (14) and fifteen (15) years old may **not** be employed:

- more than three (3) hours per day on school days
- more than eighteen (18) hours per week in school weeks



- more than eight (8) hours per day during a period of not more than nine (9) consecutive hours on non-school days
- more than forty (40) hours per week
- more than six (6) days in a week.

In addition to the exclusions outlined for minors ages sixteen (16) and over, minors of fourteen (14) and fifteen (15) years are prohibited from working in the occupations listed below:

**Prohibited Occupation for Fourteen (14) and Fifteen (15) year old minors:**

- manufacturing of any kind
- mining of any kind
- processing, such as filleting fish, dressing poultry, or cracking nuts
- laundering as performed by commercial laundries, and dry cleaning
- working in workrooms or workplaces where goods are manufactured, mined or otherwise processed
- working for a public messenger service
- operating or tending hoisting apparatus or any power-driven machinery (other than office machines or machines in retail, food service and gasoline service establishment which are specified on the list of permitted occupations as which fourteen (14) and fifteen (15) year olds may operate in such establishments;
- working in any occupations found and declared to be hazardous by official designation
- working in connection with: the transportation of persons or property by rail, highway, air, water, pipeline or other means
- warehousing and storage
- communications and public utilities; or construction (including repair); except office and sales work in connection with these four categories as long as such office and sales work is not performed at the site of the prohibited work
- working in any of the following occupations even in retail, food service, or
  - gasoline service establishments: working in or about boiler or engine rooms
  - maintaining or repairing the building, machines , or equipment; outside window

- washing that involves working from window sills; working on ladders, scaffolds,
- or their substitutes; cooking;(except at soda fountains, lunch counters, snack bars
- or cafeteria serving counters) and baking; operating, setting up, adjusting
- cleaning, oiling, or repairing power-driven food slicers and grinders
- food choppers and cutters, and bakery-type mixers; working in freezers and meat
- coolers and all work in preparation of meats for sale (except wrapping, sealing
- labeling, weighing, pricing and stocking when performed in other areas)
- loading and unloading goods to and from trucks, railroad cars, or conveyers
- and working in warehouses except office and clerical work
- working in any billiard or pool room
- working in the theatrical trades, unless approval is obtained from the State Commissioner of Labor and Industries
- working at an occupation involving industrial homework
- working in any of the occupations prohibited for all minors under the age of eighteen (18), listed above.

**Permitted Occupations for Fourteen (14) and Fifteen (15) year old Minors**

- office and clerical work, including operation of office machines
- cashiering, selling, and modeling art work, working in advertising departments, window training and comparative shopping
- price marking and tagging by hand or by machine, assembling orders, packing and shelving
- bagging and carrying out customers' orders
- errand and delivery work by foot, bicycle and public transport
- cleanup work, including the use of vacuum cleaners and non-commercial floor waxers, and maintenance of grounds, but not including the use of power-driven mowers or cutters
- kitchen work and other work involved in preparing and serving food and
  - beverages, including the operations of machines and devices used in the
  - performance of such work, such as dishwashers, toasters, dumbwaiters, popcorn poppers and milk shake blenders
- work in connection with cars and trucks, if confined to the following: dispensing
  - gas and oil, courtesy services on the premises of the gasoline service station, hand

- o car cleaning, washing and polishing , and other work permitted by this section , but
- o not including work involving the use of the pits, racks, or lifting apparatus, or
- o involving the inflation of any tire mounted on a rim equipped with a removable retaining rim
- o cleaning vegetables and fruits, wrapping , sealing. labeling, weighing, pricing
- o stocking good when performed in areas physically separate from areas where
- o meat is prepared for sale, and outside of freezers and meat coolers.

## **UNPAID INTERNS**

The City recognizes the mutual value that unpaid interns can be provided / provide through this time limited learning opportunity experience. The City will use the same factors as the U.S. Department of Labor in determining whether workers are volunteers under the Fair Labor Standards Act. Such factors include”

1. the nature of the entity receiving the services
2. the receipt by the workers of any benefits or expectations of benefits from their work
3. whether the activity is less than a full-time occupation
4. whether regular employees are displaced by the “volunteer”
5. whether the services are offered freely without pressure or coercion; and
6. whether the services are the kind typically associated with volunteer work

## **EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE**

### **PURPOSE AND SCOPE**

The purpose of this document is to establish consistent procedures regarding Equal Employment Opportunity and Affirmative Action. The City recognizes the right of individuals to work and advance based on merit and without regard to race, sex, gender identity/expression, color, religion, national origin, sexual orientation, disabilities, military service, or age. Non-discrimination and equal opportunity are the policy of the City in all of its hiring and employment programs and activities. Toward this end, the City commits itself to take affirmative measures to ensure equal opportunity in the recruitment and hiring, promotion, demotion or transfer, layoff or termination, rate of compensation, and all terms and conditions of employment. The City is committed to fostering

and encouraging a workplace comprised of individuals of diverse backgrounds, races, genders, abilities, religious beliefs, sexual orientation, and ages.

All City employees are encouraged to take diligent, affirmative steps to ensure equal opportunity and respect for diversity, not only in the internal affairs of the City departments and agencies, but also in their relations with the public, including those persons or organizations doing business with the City.

## **POLICY**

Recruit, hire, and promote in all job classifications without regard to race, sex, gender identity/expression, color, religion, national origin, sexual orientation, disabilities, military service or age. Make decisions about employment so as to encourage the development of a diverse workforce.

Ensure that employment and promotion decisions are made in accordance with the principles of equal opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities.

Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, and training will be administered without regard to race, sex, gender identity/expression, color, religion, national origin, sexual orientation, disabilities, military service or age.

Prohibit any kind of harassment based on race, sex, gender identity/expression, color, religion, national origin, sexual orientation, disabilities, military service or age.

No retaliatory action against those persons who file complaints of discrimination or against individuals who cooperate in such investigations will be tolerated. Violation of this policy will lead to appropriate disciplinary action up to and including termination from City service.

Anyone who feels that he or she has been discriminated against by the City on the basis of race, sex, gender identity/expression, color, religion, national origin, sexual orientation, disabilities military service or age in employment practices may file a grievance with the City's Civil Rights Officer, who can be contacted through the

Mayor's Office.

## **AMERICANS WITH DISABILITIES ACT**

It is the policy of the City to comply with requirements of the regulations contained in the U.S. Americans with Disabilities Act of 1990. This policy applies to all employees of the City excluding those employees under the supervision and control of the School Committee.

The City will not discriminate against people with disabilities in any employment practices or in terms, conditions or privileges of employment, including, but not limited to: application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, leaves or benefits.

The City has and will continue to establish occupational qualifications for each position, including the education, skills, and work experience required, and the physical, mental and environmental standards necessary for job performance, health, and safety. Such standards are job-related and consistent with business necessity.

The City will provide reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee unless such accommodation will impose undue hardship on the City. The City will provide reasonable accommodation:

- To ensure equal employment opportunity in the application process
- To enable a qualified individual with a disability to perform the essential functions of the job
- To enable an employee with a disability to enjoy equal benefits and privileges of employment.

The City need not provide reasonable accommodation for an individual who is otherwise not qualified for a position. The duty to provide reasonable accommodation is on-going and may arise at any time an employee's job changes. It is the general responsibility of the individual with the disability to request the accommodation. If the cost of providing the accommodation is determined to meet the criteria of undue hardship on the City, the affected individual will be offered the opportunity to provide the accommodation or partial accommodation himself/ herself.

Some examples of potential reasonable accommodation include, but are not limited to, the following:

- Making facilities readily accessible and usable
- Restructuring a job by reallocating or distributing marginal job functions
- Altering when or how an essential job function is performed
- Creating part-time or flexible schedules
- Obtaining or modifying equipment or devices
- Providing qualified readers or interpreters
- Permitting the use of accrued or unpaid leave for treatment
- Providing reserved parking.

When attempting to identify what is a reasonable accommodation, appointing authorities and department managers should do the following:

- Examine the particular job involved, determining its purpose and its essential functions
- Consult with the individual with the disability to find out his/her specific physical or mental abilities and limitations
- In consultation with the individual, identify potential accommodations and assess how effective each would be

If an individual requests an accommodation which the appointing authority or department head considers to be unnecessary, the department head will ask for written documentation from a physician or other professional with knowledge of the individual's functional limitations.

The determination that any reasonable accommodation represents an undue hardship will be made by the Mayor or his/her designee.

No pre-employment inquiries may be made about an applicant's disability. This prohibition does not prevent an employer from obtaining necessary information regarding an applicant's qualifications or ability to safely perform the essential functions of the job. Before making a job offer, the City may ask questions about an applicant's ability to perform specific job functions and may make a job offer that is conditioned on satisfactory results of a post-offer

medical examination or inquiry. The City may not make inquiries about specific disabilities.

Questions which may **not** be asked during a pre-employment interview include (but are not limited to):

- Have you ever had, or been treated for, any of the following conditions?
- Please list any conditions or diseases for which you have been treated in the past three years.
- Have you ever been hospitalized? If so, for what conditions?
- Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- Have you ever been treated for any mental condition?
- How many days were you absent from work because of illness last year?
- Do you have any disabilities or impairments which may affect your performance in the position?
- Are you taking any prescription drugs?
- Have you ever been treated for drug addiction or alcoholism?
- Have you ever filed a workers' compensation claim?

In addition, these questions may not be asked of a previous employer or other reference provider for an applicant during reference checks. In addition, the hiring manager may not ask the reference provider about the applicant's disability, illness or Workers' Compensation history.

Even if the applicant is qualified to perform the job, the City may deny employment if such employment would pose a direct threat to the health and safety of the individual or others, if such threat cannot be eliminated through reasonable accommodation. Such determination must be made by the Mayor or his/her designee after careful review of the circumstances.

An employee who is an alcoholic is considered to be a person with a disability under the terms of the ADA. However, the City may discipline, discharge or deny employment to an alcoholic whose current use of alcohol adversely affects job performance or conduct to the extent that s/he is "not qualified" for the position.

Persons addicted to drugs, but who are no longer using drugs illegally and who are receiving treatment for drug

addiction, or who have been rehabilitated successfully, are protected from discrimination by the ADA. However, the City will discharge or deny employment to current illegal users of drugs, in accordance with policies established herein. The City may ask questions regarding the current illegal use of drugs. However, the employer may not ask whether the applicant is a drug addict or alcoholic, or whether s/he has ever been in a drug or alcohol rehabilitation program.

Violation of this policy will lead to appropriate disciplinary action up to and including termination from City service. The City's grievance procedure for discrimination based on disability is outlined below.

### **DISCRIMINATION GRIEVANCE PROCEDURE**

The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that grievants are not required to exhaust the City's procedures prior to filing a State or Federal complaint or taking court action. Anyone who feels that she/he has been discriminated against by the City on the basis of race, sex, gender identity/expression, color, religion, national origin, sexual orientation, disabilities, military service, or age in employment practices may file a grievance.

Grievances should be in writing and should include information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint.

The grievant should first attempt to resolve the grievance at the level of the department manager. The department manager will notify the Human Resources Office if such a grievance is submitted. If the grievance is not resolved to the satisfaction of the grievant, or if the department manager lacks authority or jurisdiction to correct the problem, the grievance should be submitted by the grievant and or his/her designee as soon as possible to the Human Resources Department.

Within 15 calendar days after receipt of the grievance, Human Resources will meet with the grievant to discuss the grievance and possible resolutions. Within 15 calendar days after the meeting, Human Resources will respond to



the grievant in writing, or, where appropriate, in a format accessible to the grievant such as audio tape. The response will explain the position of the City and may offer options for substantive resolution of the grievance.

All grievances received by Human Resources and responses from same, will be kept by the City for at least three (3) years. Such documents will remain strictly confidential to the extent allowed by law.

This grievance procedure is meant to be informal, and cannot be legally binding on either part. Any grievance or complaint involving existing or threatened civil or criminal litigation may not be addressed using this informal procedure.

No retaliatory action will be taken against those persons who file complaints of discrimination on the on the basis of race, sex, gender identity/expression, color, religion, national origin, sexual orientation, disabilities, military service or age, or against individuals who cooperate in such investigations.

The Discrimination Grievance Policy will be superseded by any grievance procedure that exists for collective bargaining unit employees. Therefore, where an employee's Collective Bargaining Agreement provides for grievance procedure, it will apply in lieu of this policy.

## **PROHIBITION OF GIFTS**

The City of Newburyport and its employees are committed to the highest ethical standards in dealing with customers and those with whom the City has a business relationship. The City's intent is to make certain the taxpayers are aware that all business decisions are consistent with these standards. The gift policy reflects the belief that giving and receiving gifts or other symbols of appreciation may compromise these ethical standards.

Therefore, the City of Newburyport prohibits all employees from soliciting or receiving gifts, benefits or favors from a person or company that does (or hopes to do) business with the City in excess of Fifty Dollars (\$50.00) or more. For more information please consult Mass. Gen. Law, Chapter 268A "Conflict of Interest Law ".

## DEFINITIONS

### **Appointing Authority**

The person or officials authorized by law to make appointments and dismissals.

### **Civil Service**

The City operates under a State-wide civil service system for Public Safety Employees. The administrative agency is the State Human Resources Division. A state Civil Service Commission acts as an appeals and rule-making body. 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 the labor service, entry is based upon a registration process.

### **Exempt Position**

Those employees of the City serving as department managers or those employees who otherwise perform management responsibilities and are not otherwise covered by collective bargaining agreements. Exempt positions are not required to receive overtime pay.

### **Non-Exempt Position**

All City employees who are not classified as exempt employees.

### **Full-Time Employee**

An employee who works a minimum of thirty-five hours per week (1,820 hours annually) on a regular schedule and has definite assigned responsibilities.

### **Part-Time Employee**

Any employee who works less than twenty hours per week regularly is not entitled to holiday pay, vacation pay, sick pay, group health insurance or any other benefits.

**Regular Part-time Employee**

An employee who works on a regularly scheduled minimum of twenty (20) hours per week (1,040 annually) and has definite assigned responsibilities. These employees are granted holiday pay, vacation pay and sick pay on a pro-rata basis, as determined by the number of regularly scheduled hours compared to the normal workweek in his or her given department. These employees are eligible for group health and other benefits.

**Seasonal or Temporary Employee**

An employee who is serving in a position for a specified period of time.

## EMPLOYMENT GUIDEBOOK ACKNOWLEDGEMENT

The Employee Guidebook describes important information concerning the City of Newburyport. I understand that I should consult Human Resources if I have any questions that are not answered in this Guidebook.

I became an employee with the City of Newburyport voluntarily. I understand and acknowledge that there is no specified length to my employment with the City of Newburyport and that unless I am a member of a collective bargaining unit my employment is at will. I understand and acknowledge that "at will" means that I may terminate my employment at any time, with or without cause or advance notice. I also understand and acknowledge that "at will" means the City of Newburyport may terminate my employment at any time, with or without cause or advance notice, as long as the City does not violate Federal or State laws.

I understand that there may be changes to the information, policies and benefits in this Guidebook. The only exception is that the City of Newburyport will not change or cancel its employment-at-will policy. I understand the City of Newburyport may add new policies to the Guidebook as well as replace, change, or cancel existing policies. I understand that Guidebook changes can only be authorized by the Mayor of the City of Newburyport.

I understand and acknowledge that this Guidebook is not a contract of employment or a legal document. I have received the Guidebook and I understand that it is my responsibility to read and follow the policies contained in this Guidebook and any changes made to it.

Employee Name (printed):

\_\_\_\_\_

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

Employee Signature:

\_\_\_\_\_

## VEHICLE SAFETY AND USE POLICY ACKNOWLEDGEMENT

I, \_\_\_\_\_(print name), as an employee of the City of Newburyport, hereby acknowledge that I have received and read the City's **Vehicle Use Policy**.

If assigned a Municipal Vehicle and/or use a Personal Vehicle for work-related travel, I shall comply with the respective provisions of the policy or those portions of the policy not specified regulated by law or collective bargaining agreement or individual agreement/contract.

In addition, I authorize the Mayor and/or Human Resources to obtain, on an annual basis for Municipal Vehicle usage or on a case by case basis for Personal Vehicle usage, and at no cost to me, a copy of my driving record, which shall be used in determining my safety record, enabling me to be assigned and/or operate a Municipal Vehicle or to use my Personal Vehicle for work-related travel, should the need be required.

Once signed, this form will be placed in the employee's Personnel File by Human Resources for record purposes.

Employee Name (printed):

\_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**INFORMATION TECHNOLOGY RESOURCES  
USE POLICY**

I, \_\_\_\_\_ have read and understand the information listed above in the section entitled "Information Technology Resources Acceptable Use Policy" and consent to the monitoring described in such.

\_\_\_\_\_  
Employee Name (please print) Date

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Department Head (please print)

\_\_\_\_\_  
Department Head Signature

- Please check level of access:
- \_\_\_\_\_ This employee is approved for **Intranet** mail only;
  - \_\_\_\_\_ This employee is approved for **Internet** mail only;
  - \_\_\_\_\_ This employee is approved for Intranet and Internet access and mail.