

## **PERSONNEL BYLAW**

**I certify that the within is a copy of the Personnel Bylaw, Town of Shrewsbury, as amended August 8, 2020.**

**Attest:**

**Sandra E. Wright  
Town Clerk**

**Personnel Bylaw  
Consolidated Personnel By-law**

**Section 1. Definitions**

As used in this by-law, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the Commonwealth:

"Appointive Authority", the Town Manager for employees assigned to departments over which they have jurisdiction, the elected official or board, or the appointed official having jurisdiction over a function or activity;

"Casual service", personal service rendered by an employee in a position calling for part- time employment, which service does not constitute continuous employment this service is rendered occasionally and without regularity according to the demands therefore as determined by the Town Manager;

"Civil Service Law", Chapter 31 of the General Laws of the Commonwealth, as amended and all rules and regulations made thereunder; and any special law enacted by the General Court regulating the classification, compensation and conditions of employment of officers and employees of the Town under Chapter 31;

"Class", a position in Town that is differentiated by the position title;

"Classification And Compensation Plan", the table that contains all classified positions and their corresponding salary rate ranges;

"Compensation Grade", a designated salary or wage range;

"Continuous employment", employment, including prior service, uninterrupted except for required military service and for authorized vacation leave, bereavement leave, court leave or other leave of absence. Prior service shall mean any provisional, temporary or permanent full time employment, excluding seasonal employment, performed by an employee with the town at an earlier time, so long as the employee was re-hired within one year of separation and this shall apply to all persons re-hired after January 1, 1998." ;

"Department", any department, board, committee, commission, or other agency of the Town subject to this by-law;

"Department Head", the officer, board, or other body having immediate supervision and control of a department;

"Director", the personnel Director as defined in Section 10;

"Full-time employee", an employee retained in full-time employment;

"Full-time employment", employment for not less than seven and one-half hours per diem for five days a week for fifty-two weeks per annum, minus legal holidays and authorized military leave, vacation leave, sick leave, bereavement leave, court leave, and leave of absence;

"Grade", a grouping of positions which are "similar" in nature of work, principal duties and responsibilities, relative level of work difficulty, and level of knowledge, skill and ability (KSAS) required to perform the job. Positions allocated to the same grade are "sufficiently similar" with respect to the types of factors enumerated above to permit them to be compensated at the same general level of pay. The positions do not have to be identical, however, and can be in different departments or even in the same department dealing with different subject matter or performing different specific duties;

"Holiday pay", extra pay authorized pursuant to Section 18;

"Intermittent service", personal service rendered by an employee in a position calling for part-time employment, which

service although constituting continuous employment is not rendered during prescribed working hours, daily, weekly or annually, but is rendered as required, according to the demands for such service as determined by the Town Manager;

"Maximum Rate", the highest rate in a range which an employee normally is entitled to attain;

"Minimum Rate", the rate in a range which is paid to a new employee;

"Overtime", time in excess of the normal number of hours or days of working time in the work week of the department;

"Part-time employment", employment for less than full-time employment, as defined below;

"Permanent employee", or "permanent appointee", (1) any employee retained on a continuing basis in a permanent position, as defined above; (2) any employee holding a permanent appointment under Civil Service Law to a position deemed permanent within the meaning of said law;

"Permanent position", any position in the Town service which has required or which is likely to require the services of an incumbent without interruption for a period of more than six calendar months, either on a full-time or part-time employment basis;

"Personal Rate", a rate above the maximum rate or single rate applicable only to a designated employee;

"Position", an office or post of employment in the Town service with duties and responsibilities calling for the full-time or part-time employment of one person in the performance and exercise thereof;

"Promotion", a change from a position of lower classification and compensation grade to a position with greater responsibilities in a higher class and compensation grade;

"Range", the dollar difference between minimum and maximum rates;

"Rate", a sum of money designated as compensation for hourly, weekly or annual personal services;

"Single Rate", a rate of compensation for personal services that does not appear in a range;

"Temporary position", any position in the Town service which is not permanent but which requires or is likely to require the services of one incumbent for a period not exceeding six calendar months; "Temporary employee", (1) an employee retained in a temporary position as defined above; (2) any employee holding a temporary appointment under the Civil Service Law who does not also have permanent status thereunder; (3) an employee retained in a position in a class the title of which contains the adjective "temporary";

"Town", the Town of Shrewsbury;

## **Section 2. Classification and Compensation Plan**

The Personnel Board shall classify the positions of all officers and employees in the service of the Town, other than those offices filled by popular election, the position of Town Manager, positions under the respective jurisdictions of the Board of Light Commissioners and the School Committee and positions for which the services of incumbent employees are intermittent or casual based through a uniform system for grouping positions based on the nature and complexity of the duties assigned and the minimum qualifications required to perform those duties.

## **Section 3. New or Changed Positions**

It shall be a responsibility of the Town Manager to ensure that position classifications and job descriptions are reviewed at reasonable intervals, as they deem necessary, and to recommend any required new positions or changes to existing positions including the reclassification thereof to the Personnel Board for adoption. The Personnel Board shall report any changes to the Classification and Compensation Plan to the annually via the Annual Town Report.

#### **Section 4. Titles of Positions**

(a) The title of each class, as established by the Classification and Compensation Plan shall, except as otherwise provided herein, be the official title of every position allocated to the class and the official title of each incumbent of a position so allocated, and shall be used to the exclusion of all others on payrolls, budget estimates and other official records and reports pertaining to the position.

(b) If, in the instance of any position subject to the Civil Service Law, a different title for the position shall be established by the Director of Civil Service, such title shall be the official title of the incumbent of said position and shall be used, in lieu of the title described above, on all payrolls, budget estimates, and other official records and reports pertaining to the position.

(c) Except for paid elective positions, and except for positions allocated to their appropriate class by the Director of Civil Service pursuant to the Civil Service Law, each position in the Town service other than the position of Town Manager, positions under the supervision and control of the School Committee and the Board of Light Commissioners, and positions for which the services of incumbent employees are intermittent or casual, shall be allocated by the Personnel Board to a class established by the Classification and Compensation Plan.

#### **Section 5. Class Descriptions and Interpretation**

The Personnel Board shall maintain written descriptions of the position classes in the Classification and Compensation Plan, each consisting of a statement describing the essential nature of the work characteristic of the class that distinguishes the class from others. The description for any position class shall be construed solely as a means of identification, and not as prescribing, what the duties or responsibilities of any position shall be, or as modifying, or in any way affecting, the power of any administrative authority, as otherwise existing, to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

#### **Section 6. Compensation Plan**

a) The Compensation Plan shall consist of salary and wage schedules which provide minimum and maximum salaries or wages or single rate salaries or wages for the position classes in the Classification and Compensation Plan. The salary range of a position class shall be the salary range of all positions allocated to the class.

b) The compensation of employees rendering intermittent or casual services shall be determined by the Town Manager, subject to the availability of appropriated funds and subject to review and approval by the Personnel Board.

c) Upon the recommendation of the Department Head and Town Manager and subject to the written approval of the Personnel Board, employees covered under this by-law may receive additional compensation, payments or other benefits to equalize them with employees that are covered by collective bargaining agreements within the employee's department.

d) The payment of on-call pay for employees covered by the Compensation Plan may be authorized in a manner and amount as approved in writing by the Personnel Board.

#### **Section 7. Amendment of the Plans**

a) Upon recommendation by the Town Manager the Classification Plan or the Compensation Plan may be amended by vote of the Personnel Board.

b) Upon receipt of a signed petition proposing such an amendment, the Personnel Board, after giving the petitioners, department heads, and employees affected at least three days' written notice, shall hold a hearing of the parties interested to consider the proposed amendment. If the Personnel Board shall fail to act on an amendment so presented within fifteen days after the hearing thereon, the Personnel Board shall be deemed to have disapproved the amendment.

### **Section 8. Personnel Board**

a) There shall be a Personnel Board appointed by the Moderator, consisting of three members, other than employees, elected officials, or those serving the town in an appointive capacity. Members of the Personnel Board shall serve without compensation and each member shall serve for a term of three years, provided however, that of the members originally appointed, one shall serve for a term of one year, one for a term of two years and one for a term of three years, as designated by the Moderator. Any vacancy shall be filled by the moderator. Each member shall continue to hold office until his successor has been appointed and qualified.

b) The Personnel Board shall elect its own chairman. It shall keep a record of its official proceedings and actions and may, subject to appropriation therefore, make such expenditures as may be necessary to the performance of its duties.

### **Section 9. Duties of the Personnel Board**

a) The Personnel Board shall administer the Classification and Compensation Plans, and shall establish such policies, procedures and regulations as it deems necessary for the administration of these plans.

b) The Personnel Board, from time to time, shall review the work of all positions subject to the Classification and Compensation Plan.

c) The Personnel Board shall, from time to time, review the Compensation Plan. It shall keep informed as to pay rates and policies outside the service of the Town, and shall recommend to the Town any action which it deems desirable to maintain a fair and equitable pay level.

### **Section 10. Personnel Director**

The Town Manager shall be ex-officio Personnel Director of the Town and shall be the administrative representative of the Personnel Board. They shall furnish the Personnel Board with all information essential for the actions of the Personnel Board under this by-law. The Director shall administer the rules and regulations of the Personnel Board and the provisions of this by-law with authority to interpret the same but not to rescind or otherwise amend. The Director shall report to the Personnel Board in writing any interpretation they make in any area where this by-law is not reasonably clear in his opinion. Nothing in this paragraph is intended to confer jurisdiction of the Town Manager over other Appointive Authorities or their functions or to rescind the right of any department head or employee to seek the opinion of the Personnel Board in respect to this by-law, and the finding of the Personnel Board shall prevail.

### **Section 11. Longevity**

In addition to the compensation set forth in the Classification and Compensation Plans, the Town will pay the employees covered by this Bylaw an annual longevity bonus in accordance with the following schedule:

To employees with 5 years but less than 10 years continuous full-time employment with the Town: \$125

To employees with 10 years but less than 15 years continuous full-time employment with the Town: \$200

To employees with 15 years but less than 20 years continuous full-time employment with the Town: \$250

To employees with 20 years but less than 25 years continuous full-time employment with the Town: \$300

To employees with 25 or more years of continuous full-time employment with the Town: \$350

To employees with 30 or more years of continuous full-time employment with the Town: \$400

To employees with 35 or more years of continuous full-time employment with the Town: \$450

The period of an employee's continuous full-time service shall be determined as of midnight on December 31st of each year. Payment of an employee's longevity bonus shall be made within the month of January.

Part-time employees who are employed for at least **18.75** hours per week shall be paid 50% of the longevity bonus set forth for full-time employees. The requirement of continuous employment shall apply to part-time employees.

Employment shall include Emergency Employment Act and Comprehensive Employment and Training Act assignments with the Town, said amendment to be effective on December 31, 1983.

### **Section 12. New Personnel**

a) The hiring rate shall be the minimum rate of the range of the position class for which the new employee is hired, except that when the Appointive Authority and the Personnel Board agree that a new employee has had sufficient experience in the same or similar type work, said new employee may start at such higher rate within the range as the Town Manager may consider appropriate.

### **Section 13. Adjustment Policy**

a) Employees in full-time employment of the Town who have a satisfactory performance record shall be eligible annually, one year from the date of the latest increase, for consideration for advancement through the range until the maximum rate for their respective position classes is reached, subject to the approval of their Department Head, The Town Manager and the Personnel Board. The Town Manager shall propose a plan for consideration and adoption by the Personnel Board that will be used to guide the movement of employees through compensation ranges in the form of the Town's compensation philosophy.

b) Employees in part-time employment shall be eligible for consideration for increases on the same basis as provided for employees in full-time employment.

c) Any employee denied such an increase has the right of appeal to the Personnel Board, which shall confer with both the employee and the Department Head before taking action.

d) Under most unusual circumstances, involving such matters as highest qualifications, performance and good of the service, two occasions of advancement through the range may be granted within a twelve-month period. All adjustments shall be approved in advance by the Personnel Board. If an employee receives such an increase their anniversary date is to remain unchanged.

e) Nothing in this section shall limit the Town Manager and Personnel Board from developing a performance-based compensation plan for certain classifications of employees and setting the steps and ranges of compensation to accommodate such a plan.

### **SECTION 14. Vacation Leave**

a) Vacation leave shall be granted to personnel in full-time or part-time continuous employment, working 18.75 hours or more per week for the full fiscal year, as follows:

- Persons with 20 years of continuous service, or over - 25 days

- Persons with 10 years but less than 20 years of continuous service - 20 days
- Persons with 3 years but less than 10 years of continuous service - 15 days
- Persons with 1 year but less than 3 years of continuous service - 10 days

During the first year of employment employees shall upon the date of hire, be awarded leave proportionally equal to the amount of time remaining in the fiscal year. Example: an employee hired January 1st will receive 50% of the annual vacation leave amount.

Persons employed less than full time shall accumulate vacation leave in proportion to the annualized hours budgeted per week for the position. The length of continuous service shall be computed as of July 1 of the current year, provided that no current employee shall receive less vacation leave than they would be entitled to on May 1, 2018.

(Employees in recognized collective bargaining units are excluded from this vacation schedule.)

b) The assignment of vacation periods within any vacation year shall be scheduled by Department Heads subject to the approval of the Appointive Authority for such time or times as best serve the public interest. Preference should be given to employees on the basis of their years of employment, wherever possible. Vacation allowance may not be accumulated from one vacation year to another except when, in the opinion of the Appointive Authority, it is impossible or impractical because of work schedule or other emergencies to do otherwise, and in no event shall a vacation period be accumulated for more than one calendar year.

c) Absences on account of sickness in excess of those authorized or for personal reasons not provided for under the regulations of the Town, may, at the discretion of the Appointing Authority, be charged to Vacation Leave.

d) Whenever employment is terminated by retirement or dismissal through no fault or delinquency on the employee's part, or by death, without having been granted a vacation to which they are entitled, They, or in the case of death, their estate, or personal representative shall be paid vacation pay at the regular rate of compensation payable to them at the termination of their employment. If an employee terminates their service prior to July 1 they shall receive vacation leave in proportion to the period of time employed since the preceding July 1.

e) If a holiday falls within the vacation period, it shall not count as part of vacation allowance and, for the purpose of this Section, holidays which fall on or are celebrated on Saturday or any other day not regularly worked, shall not count as holiday credit.

f) The maximum number of hours credited in any day of vacation shall not exceed the number of regularly scheduled hours, exclusive of overtime, which otherwise would have been worked if vacation leave had not been taken.

g) Notwithstanding the aforementioned sections, the vacation leave for employees hired after July 1, 2016 shall be determined by the appointing authority subject to the approval of the Personnel Board. Said vacation leave shall not exceed the maximum amount of vacation leave set forth in Section **18a**.

h) Notwithstanding the aforementioned sections, vacation leave for employees on unpaid leave resulting from active military service for a period of six months or greater, shall be credited at one vacation day per month of military service up to a maximum of ten days for the continuous tour of duty, regardless of length. Said vacation leave must be used by the employee within twelve months from the date of return to paid status with the Town. (i) adopted 5/21/07)

## **SECTION 15. Sick Leave**

a) Effective July 1, 1983, personnel in full or part-time employment (**18.75 hours or more per week for the full calendar year**) occupying positions subject to this bylaw shall have a choice of two (2) sick leave plans.

b) Prior to January 1, 1984, each employee covered under this bylaw shall inform the Town Accountant, in writing, as to the plan under which the employee wishes to be covered. Coverage under Plan No. 2 shall become effective as of January 1, 1984. An employee who has selected Plan No. 2 cannot convert to Plan No. 1 at a later date. An employee choosing Plan No. 1 may convert their coverage effective January 1 of any subsequent year to Plan No. 2. All employees hired after July 1, 1983 are required to be covered under Plan No. 2

#### **Plan No. 1 - Accumulated Sick Leave**

a) Personnel in full-time or part-time employment (**18.75 hours or more per week for the full calendar year**) occupying positions subject to this bylaw hired before July 1, 1983, and covered under this plan shall begin to accumulate sick leave credit on the first day of the month following such employment, and such credit shall accumulate at the rate of 1-1/4 days per month not to exceed fifteen (15) days per year. Sick leave shall accumulate from year to year, and employees may accumulate sick leave credit at the rate of 1-1/4 days a month to a maximum accumulation of one hundred twenty (120) days.

It is understood that sick leave is a benefit to an employee only during periods of illness or disability and as such cannot presently or at some future date be converted into some other form of employee compensation or transferred to some other employee.

b) Sick leave accumulated for service prior to the date of adoption of this bylaw shall be as recorded in the records of the Town Accountant.

c) Employees injured in the performance of their assigned duties receiving Workman's Compensation may, upon request, be granted such sick leave allowance payment as will, when added to the amount of Workmen's Compensation, result in the payment to them of their full salary, provided they have earned such sick leave credit.

#### **Plan No. 2 - Disability Income**

a) Personnel in full-time or part-time employment (**18.75 hours or more per week for the full calendar year**) occupying positions subject to this bylaw prior to July 1, 1983, electing coverage under this plan shall receive on July 1 of the year in which their coverage becomes effective a one-time sick leave credit in the amount of five (5) days.

b) Personnel in full-time or part-time employment (**18.75 hours or more per week for the full calendar year**) occupying positions subject to this bylaw hired after July 1, 1983, shall receive no sick leave credits for the first two (2) months of employment. After the first two (2) months of employment, an employee earns a one-half (1/2) day of sick leave credit for each successive month, not to exceed five (5) days, until January 1 of the following year.

c) All personnel subject to this plan shall receive yearly sick leave credits in the amount of five (5) days effective July 1.

d) For extended absences due to sickness or non-industrial injury, an employee becomes eligible for disability coverage on the sixth (6th) consecutive work-day an employee is absent. The Town will pay eighty percent (80%) of regular weekly compensation retroactive to the first day of the employee's absence for a period of time not to exceed fifty-two (52) weeks plus the number of sick leave days accumulated by the employee, under Plan No. 1, if any. Said sick leave credits shall be determined from the records of the Town Accountant. An employee who qualifies for this disability plan and who has used sick leave credits in the initial days of the absence will be given credit for all of those days used for that particular absence less one. Under no circumstances shall an employee receive disability benefits for the same day(s) for which sick leave credit was used.

e) An employee who has utilized disability coverage under this plan shall, upon termination of said coverage, be ineligible for future coverage under the disability provisions of this plan until they have had twenty-one (21) consecutive days in a payroll status. An employee who experiences the recurrence of a sickness or non-industrial injury for which they did not exhaust their disability coverage and who fails to satisfy the 21-day requirement shall be eligible for coverage under section (d) for a period of time not to exceed the balance of the initial coverage

f) An employee must be under the care of a physician to receive disability benefits.



g) On June 30 of each year, eligible employees have the option of receiving one (1) vacation leave day, or portion thereof, for each day, or portion thereof, of unused sick leave days, one (1) sick leave day, or portion thereof, for each day, or portion thereof of unused sick leave days or of being paid a bonus equal to one day's pay for each unused sick leave day, or portion thereof, to a maximum of five (5) days. Vacation leave days resulting from unused sick leave days cannot be carried beyond one year except as provided in Section 18c. Unused sick leave bonus payments shall not be considered as regular compensation.

h) Notwithstanding the aforementioned provisions, employees injured in the performance of their assigned duties which injury qualifies them for Worker's Compensation shall receive one (1) week of additional compensation for each three (3) months of continuous service up to a maximum accumulation of fifty-two (52) weeks. Said additional compensation when added to the amount of Worker's Compensation, shall result in the payment to the employee of their full salary.

i) Notwithstanding the aforementioned sections, department heads hired after July 1, 1988 shall receive a one-time sick leave credit not exceeding five (5) days, determined by the appointing authority subject to the approval of the Personnel Board.

### **Plan No. 3 - Disability Income**

a) Personnel in full-time or part-time employment (**18.75 hours or more per week for the full calendar year**) occupying positions subject to this bylaw hired on or after June 30, 2016, are subject to Plan No. 3.

b) Personnel in full-time or part-time employment (**18.75 hours or more per week for the full calendar year**) occupying positions subject to this bylaw hired after June 30, 2016, shall receive no sick leave credits for the first two (2) months of employment. After the first two (2) months of employment, an employee earns a one-half (1/2) day of sick leave credit for each successive month, not to exceed five (5) days, until July 1 of the following year.

c) All personnel subject to this plan shall receive yearly sick leave credits in the amount of five (5) days effective July 1.

d) For extended absences due to sickness or non-industrial injury, an employee becomes eligible for disability coverage on the sixth (6th) consecutive work-day an employee is absent. The Town will pay eighty percent (80%) of regular weekly compensation retroactive to the first day of the employee's absence for a period of time as set forth below:

For less than 1 year of service – Zero (0) weeks

For 1 year to 5 years inclusive of service – Fifteen (15) weeks

For more than 5 years to 10 years inclusive of service – Thirty (30) weeks

For more than 10 years of service – Fifty-two (52) weeks

Said sick leave credits shall be determined from the records of the Town Accountant. An employee who qualifies for this disability plan and who has used sick leave credits in the initial days of the absence will be given credit for all of those days used for that particular absence less one. Under no circumstances shall an employee receive disability benefits for the same day(s) for which sick leave credit was used.

e) An employee who has utilized disability coverage under this plan shall, upon termination of said coverage, be ineligible for future coverage under the disability provisions of this plan until they have had ninety (90) consecutive days in a payroll status. An employee who experiences the recurrence of a sickness or non-industrial injury for which They did not exhaust his disability coverage and who fails to satisfy the 90-day requirement shall be eligible for coverage under section (d) for a period of time not to exceed the balance of the initial coverage.

f) An employee must be under the care of a physician to receive disability benefits.

g) On June 30 of each year, eligible employees have the option of receiving one (1) vacation leave day, or portion thereof, for each day, or portion thereof, of unused sick leave days, one (1) sick leave day, or portion thereof, for each day, or portion thereof of unused sick leave days or of being paid a bonus equal to one day's pay for each unused sick leave day, or portion thereof, to a maximum of five (5) days. Vacation leave days resulting from unused sick leave days cannot be carried beyond one year except as provided in Section 18c. Unused sick leave bonus payments shall not be considered as regular compensation. Any employee that was paid disability coverage as of June 30 of each year as outlined in paragraph (d.) above is not eligible for the benefit outlined in this paragraph.

h) Notwithstanding the aforementioned provisions, employees injured in the performance of their assigned duties which injury qualifies them for Workers' Compensation shall receive one (1) week of additional compensation for each three (3) months of continuous service up to a maximum accumulation of fifty-two (52) weeks. Said additional compensation when added to the amount of Workers' Compensation, shall result in the payment to the employee of their full salary.

i) Notwithstanding the aforementioned sections, department heads hired after June 30, 2016 shall receive a one-time sick leave credit not exceeding five (5) days, determined by the appointing authority subject to the approval of the Personnel Board.

The following paragraphs are applicable to all sick leave plans.

a) Sick leave with pay shall be granted to employees only when they are incapacitated for the performance of their duties by sickness, quarantine by health authorities or to supplement worker's compensation payments.

b) Sick leave shall commence on the day notification of the illness is given by the employee, his family, or his physician. Notification shall be given within one hour from the regularly appointed starting time to the Department Head, except that when such notification is clearly impossible or impracticable, reasonable leeway shall be permitted.

c) For absence on account of sickness, the Department Head or the Personnel Director may require evidence in the form of a certificate acceptable to the Director for the necessity for absence, such certificate to give the nature of the illness and the expected duration. If such certificate is not filed after request therefor, such absence may be applied, at the discretion of the Director, to vacation leave or leave without pay. In any continuous period of sick leave the Director shall require such certificate at the end of one week of illness and subsequent certificates may be required at the discretion of the Director. At any time the Director may select a physician to examine the employee at Town expense.

d) Employees whose services are terminated for any reason shall not be entitled to compensation in lieu of any sick leave not taken. No sick leave credit for prior employment shall be allowed to employees rehired or reinstated after a termination of service other than an approved leave of absence.

e) Members of the Police and Fire Departments, except clerical employees, injured in the line of duty shall be paid in accordance with the provisions of Mass. General Laws Chapter 41, Section 111F, and such absence shall not be charged to sick leave credit provided, however, that when an employee receives compensation for lost time from insurance carried by the Town, the amount so received shall be considered as part payment toward injured on duty leave pay.

f) Every department of the Town shall keep a uniform attendance record on such form as approved by the Personnel Director and the Town Accountant for each employee including sick leave, both approved and used. Information on such records shall be transmitted by the Head of the Department to the Director at his request, and shall be available for examination by the Personnel Board.

g) The provisions of this section shall not apply to employees holding temporary seasonal positions.

## **SECTION 16. Work Incentive Program**

a) The fiscal year shall consist of four incentive periods:

Period one - July 1 through September 30

Period two - October 1 through December 31

Period three - January 1 through March 31

Period four - April 1 through June 30

b) Any full-time employee subject to Plan No. 1, accumulated sick leave, who has not utilized sick leave within any given incentive period, shall be paid the sum of fifty dollars (\$50).

c) Part-time employees who are employed for at least **18.75** hours per week shall be paid fifty percent of the work incentive bonus.

d) Work incentive bonus payments shall be made during the month following the ending date of an incentive period.

#### **SECTION 17. Hours of Work and Overtime**

a) Employees in the Police and Fire Departments are specifically excepted from this section, with the exception of clerical or other non-uniformed personnel.

b) For the purpose of this section, twenty-four (24) /consecutive hours commencing at midnight and ending the following midnight shall be known as a "day." Seven consecutive days, Sunday through Saturday, shall be known as a "week." Any time, during which an employee is required by proper notice to perform official duties in excess of 8 hours in any one regularly scheduled working day and all time on a non-scheduled working day shall be known as "overtime."

c) Whenever the Head of any Department shall find it essential to the convenience of the Town that any employee should perform duties in excess of his regularly assigned hours, they shall make known this fact to the Appointive Authority, and shall request authority to direct the performance of duties in excess of the regularly assigned hours for such specific situation.

d) Overtime shall not be performed in any department unless approved in advance by the Appointive Authority except that, if by reasonable effort, the Head of the Department has been unable to make his request and an emergency exists, They may require the performance of emergency overtime duty, provided They transmits to the Appointive Authority at the earliest practicable time a report in writing of the action taken.

e) A Department Head shall not request or require any employee to perform duties in excess of 16 hours in any one day, nor shall they enter any employee on any payroll in pay status in excess of 16 hours in any one day, nor shall the Town Accountant approve pay in excess of 16 hours in any one day. A Department Head shall not request, require, or permit any employee to perform duties on any day if by so doing the employee is to be entered on any payroll in a duty status concurrently with an entry on the same or another payroll in a vacation leave or sick leave status in excess of an aggregate of 8 hours in any day without written permission of the Appointive Authority. The provisions of this paragraph shall not apply in the case of an emergency as determined by the Town Manager or the Acting Town Manager.

f) Except for employees whose duty tour encompasses a regular work week which may be, e.g. 40 hours (as for a custodian) or 37-1/2 hours (for a clerk), the Head of the Department shall enter on the payroll the total aggregate hours for which compensation is claimed in each work week. Employees occupying positions for which compensation is determined at hourly rates shall receive overtime at one and one-half times regular hourly rates after 8 hours per day or 40 hours per week; for employees occupying positions for which compensation is determined at weekly rates, the

payroll shall so indicate except that overtime shall be stated in extra hours worked, and be compensated for at straight time rates when the total does not exceed 40 hours. Overtime compensation in excess of 40 hours weekly shall be at one and one-half times regular rates. When overtime compensation is payable at one and one-half times the regular rate, the overtime rate shall be calculated in accordance with the Fair Labor Standards Act.

g) An employee recalled to duty because of an emergency determined by the Appointing Authority or his/her designee shall be credited with not less than 3 hours for such recall duty paid at one and one-half times the regular rate. An employee held over his/her regularly scheduled daily work hours because of an emergency shall be compensated at one and one-half times the regular rate for all hours worked until his/her next regularly scheduled shift. This rate shall be paid to those whose regular work week is 40 hours as well as those whose regular week is 37.5 hours. (amended 5/21/07)

h) Compensation of Fair Labor Standards Act Exempt Positions shall be deemed to be complete compensation without regard to any excess hours of duty, and such personnel shall not be entitled to overtime.

i) Full time employees not subject to the provisions of a collective bargaining agreement who having worked their entire regularly scheduled weekly hours of 37.5 hours and in addition, who are assigned to work on Sundays shall be paid at the rate of one and one-half times the regular rate for hours worked on Sundays. Said rate shall be calculated in accordance with the Fair Labor Standards Act.

## **SECTION 18. Holidays**

a) The following days shall be recognized as legal holidays within the meaning of this Bylaw:

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

b) Whenever one of the foregoing holidays falls on a Sunday, the following day shall be the legal holiday. Whenever one of the foregoing holidays falls on a Saturday, the prior Friday shall be the legal holiday.

c) In order to qualify for holiday credit, an employee in full-time employment in a permanent position shall have worked on the last regularly scheduled working day prior to and the next regularly scheduled working day following such holiday, unless the employee was in full pay status on such preceding and following days in accordance with other provisions of this bylaw. **Part-time employees working 18.75 hours or more per week for a full calendar year shall be compensated for a holiday credit only when regularly scheduled to work on the holiday.**

d) Wherever it is practicable without impairing the performance of any essential service in a Town department or project, employees who qualify for holiday credit shall be excused from all duty during a legal holiday without loss of pay.

e) In the event that an employee shall not have received the same number of holiday credits as an employee whose normal working schedule is Monday through Friday in any fiscal year, such employee shall be entitled to additional compensation on the last pay day of the fiscal year of one day's pay for each of the holiday credits which, in the case of said employee, are lesser in number than the holiday credits received by the employee whose normal working schedule is Monday through Friday.

f) Whenever it is impracticable to give time off to an employee on a legal holiday because of the necessity of continuing essential services in a Town department or project, the employee shall be given compensatory time off at the convenience of the department or with the approval of the Appointive Authority. The employee may be paid for the hours worked in addition to his regular pay for the day.

g) If the regular tour of duty of a uniformed employee of the Police or Fire Department requires the employee to work on a holiday, he shall be given compensatory time off at the convenience of the department. If such time off cannot be given because of personnel shortage or other cause, he shall be paid at straight time for the hours worked in addition

to his regular pay for the day.

### **SECTION 19. Miscellaneous Leave**

a) Bereavement Leave - Employees are entitled up to five (5) business days of bereavement leave, per occurrence, for the death of an immediate family member. Immediate family as used herein shall consist of the employee's spouse, child, mother, father, sister, brother, grandparent, grandchild, mother-in-law, father-in-law or legal guardian.

b) Employees are entitled up to three (3) business days of bereavement leave, per occurrence, when there is a death in the employee's family other than those listed in the above section. Examples include; brother-in-law, sister-in-law, aunt, uncle, niece or nephew.

Bereavement leave for non-immediate family members may be granted at the recommendation of the department head along with the approval of the town manager.

The Appointive Authority shall have sole jurisdiction over the determination of time off on the part of employees to attend funeral or memorial services for deceased employees or retired employees.

b) Court Leave - A regular employee called for jury duty shall be paid an amount sufficient to bring his salary up to his usual rate of pay. Notice of service shall be filed with the Department Head upon receipt of the summons.

If an employee is required to appear in court as a defendant or litigant in an action arising out of performance of his official duties, they shall be construed to be on duty for the town if such time as they are officially required to be in court falls within the regularly scheduled working hours.

c) The Appointive Authority shall have sole jurisdiction over the determination of time off on the part of employees to attend funeral or memorial services for deceased employees or retired employees.

d) Personnel in continuous full-time or part-time employment occupying permanent positions subject to this bylaw are entitled to receive personal leave with pay not to exceed two days in any fiscal year to conduct personal business of a compelling nature. Personal leave is not accumulative.

e) All absences which do not otherwise carry compensation as set forth in this by-law shall be without pay, except in the case of Department Heads who may be granted additional leave at discretion of the Appointing Authority for cause.

### **SECTION 20. Civil Service Law**

Nothing in this by-law shall be construed to conflict with Chapter 31 of the General Laws.

### **SECTION 21. Town Manager Act**

Nothing in this by-law shall be construed to conflict with Chapter 559 of the Acts of 1953.