

**Town of Phillipston**  
50 The Common  
Phillipston, MA 01331  
978-249-6828



## **Personnel Policy**

As voted by the Board of Selectmen:  
Approved September 7, 2022, retroactive to July 1, 2022  
Revised and Voted July 12, 2023

1. SCOPE

The Personnel Policies shall be administered by the Board of Selectmen, who shall have the power to fill all vacancies not otherwise provided for by either Massachusetts General Laws, Phillipston Town By-Laws, or Phillipston Town Meeting. The Board of Selectmen shall be responsible for establishing procedures as necessary. The Board shall annually review the Personnel Policy to consider changes as appropriate. It shall be the responsibility of the Board to develop a position classification and compensation plan, and to review position classifications and rates of pay at reasonable intervals. The Selectmen shall meet at least annually with Department Heads to discuss employee concerns about salary, fringe benefits, and the grievance procedure.

This personnel policy supersedes previous personnel policies and prior votes by the Board of Selectmen regarding personnel matters and is subject to change at any time by a vote of the Board of Selectmen.

The only official copy of the personnel policy shall be the version posted to the Town's website. Printed copies, other than the copy held by the Board of Selectmen, are not considered official.

2. EMPLOYEE CATEGORIES

- a. FULL TIME EMPLOYEE – A regular employee who works 40 hours per week, unless otherwise directed by the Board of Selectmen, for fifty-two (52) weeks per year.
- b. PART TIME BENEFITTED EMPLOYEE – A regular employee who works 20 or more hours per week, but less than 40 hours per week for fifty-two (52) weeks per year.
- c. PART TIME UNBENEFITTED EMPLOYEE – A regular employee who works less than 20 hours per week, for fifty-two (52) weeks per year.
- d. TEMPORARY EMPLOYEE – An employee in a full or part-time position which is not likely to require the services of an incumbent on a year-round basis. Seasonal employees and employees hired for a specific project on a short-term basis are considered temporary employees.
- e. EXEMPT EMPLOYEE – A salaried employee who is employed in an executive, administrative, or professional capacity, and is not generally entitled overtime pay if she/he/they meets the following criteria:

- 1) Executive – primary duty is management of a department.

- 2) Administrative – primary duty is office or non-manual work directly related to management policies or directly assisting an executive.
  - 3) Professional – primary duty requires advanced knowledge acquired by specialized study – work is intellectual, and the result is not standardized.
- f. NON-EXEMPT EMPLOYEE – An employee, whether paid salary or hourly wage, whose primary duty is not executive, administrative, or professional in nature. A non-exempt employee is entitled to overtime pay under certain conditions, as defined by Massachusetts law.
- g. All new employees will be hired only by a vote of the Selectmen.

3. PROBATIONARY PERIOD

The first six months of employment for all new non-temporary employees of the Town shall be considered a probationary period. This period allows the employee an opportunity to get to know the Town and the position and allows the employee’s supervisor to appraise the employee’s skills and abilities. Employees who leave the service of the Town during or at the end of this six-month period shall not be entitled to or receive a payback of any accrued sick or vacation time. An employee is entitled to pay for holidays during the Probationary Period and may use sick leave as earned and as outlined by the personnel bylaws. At the end of this probationary period, the employee shall be given an Employee Evaluation from their immediate Supervisor. If the employee’s performance during the probationary period is determined to be unsatisfactory, the employee may be separated from employment or the probationary period may be extended, at the Town’s discretion. Once the probationary period has ended, evaluations will be given on an annual basis, prior to yearly appointments.

4. WORK WEEK

The total number of regularly scheduled hours from Sunday to the following Saturday.

5. INTERRUPTION OF SERVICE

Any regular employee who leaves Town service in good standing may be re-hired by the appointing authority and, upon successful completion of a subsequent one year’s service, will have restored the vacation accrual rate to which she/he/they would otherwise have been entitled without an interruption of service. The provisions of this section shall only apply if the employee returns to the employ of the Town within two years of his/her/their departure date.

6. SUSPENSION

- a. An employee may be suspended with or without pay pending a hearing before the Board of Selectmen. Such hearing shall be held within a week following the day of suspension. The employee is entitled to representation during the hearing.
- b. Within forty-eight hours following a suspension hearing, the Board will either:
  - 1) Reinstatement the employee to his/her position with accrued pay and benefits, or
  - 2) Dismiss the employee from his/her position.
- c. Any Supervisor who suspends an employee must notify the Board within twenty-four hours of such action, and the reason(s) for the action.

7. GRIEVANCE PROCEDURE

A grievance is a dispute between any employee and the appointing or supervisory authority, arising out of an exercise of management rights, or administrative discretion, or an interpretation of this policy.

Step 1. An employee who has a grievance will discuss the grievance with the department head and/or supervisory authority, in a mutual effort to resolve the grievance.

Step 2. If a satisfactory understanding and solution of the grievance has not been reached within one week after such conference, either the department head or the employee may refer the grievance to the Board of Selectmen in writing.

Step 3. Upon receipt of a written grievance which complies with Steps 1 and 2 above, the Board of Selectmen will meet with both aggrieved parties, following the Massachusetts General Laws governing executive sessions. A decision will be rendered by the Board within fourteen days following said meeting, and the decision shall be binding on both parties.

8. LEAVE BENEFITS

a. Vacation Leave

Upon completion of the 180-day probationary period, full-time and part-time benefited employees as defined in this bylaw shall be entitled to paid vacation in accordance with the following schedule.

The vacation period of the Town shall be the period of July 1 to June 30. Any Town Employee working 20 or more hours per week will be credited as of June 30<sup>th</sup> with vacation leave for the subsequent year, not to exceed the following:

- 1) Full time employees shall be entitled to paid vacation on a fiscal year basis in accordance with the following schedule:

Under one year

From	Through	Vacation Hours Earned (1 <sup>st</sup> years' service only)
Jul 1	Jul 1	2.00 X Weekly Authorized Hours
Jul 2	Aug 1	1.80 X Weekly Authorized Hours
Aug 2	Sep 1	1.60 X Weekly Authorized Hours
Sep 2	Oct 1	1.40 X Weekly Authorized Hours
Oct 2	Nov 1	1.20 X Weekly Authorized Hours
Nov 2	Dec 1	1.00 X Weekly Authorized Hours
Dec 2	Jan 1	0.80 X Weekly Authorized Hours
Jan 2	Feb 1	0.60 X Weekly Authorized Hours
Feb 2	Mar 1	0.40 X Weekly Authorized Hours
Mar 2	Apr 1	0.20 X Weekly Authorized Hours
Apr 2	Jun 30	0.00 X Weekly Authorized Hours

One to four years	leave two weeks a year
Five to nine years	leave three weeks a year
Ten to nineteen years	leave four weeks a year
20 years and over	leave five weeks a year

One (1) week shall be the total number of regularly scheduled hours between Sunday and Saturday.

Temporary employees or employees working fewer than 20 hours per week are not entitled to Vacation Leave.

- 2) An employee shall request vacation leave from his/her supervisor at least two weeks prior to the first intended day of vacation.
- 3) An employee must use all earned vacation time within the fiscal year in which it is earned unless granted an exception by the Selectmen for extenuating circumstances, in which case the employee will be allowed to carry over to the next fiscal year unused, accrued vacation time, as approved by the Board of Selectmen. An employee is prohibited from selling vacation time back to the Town at the conclusion of the fiscal year, unless otherwise voted by the Board of Selectmen due to extenuating circumstances throughout the Town. New employees, with less than one year of employment who have not completed their probationary period, will be allowed to carry over the earned vacation time to the next fiscal year (4-16 hours, depending on date of hire). The carried-over time must be used within one month of the end of the probationary period.

- 4) Upon termination of employment with the Town, an employee shall be entitled to payment of all unused accrued vacation credit prorated to the date of separation. Carried-over vacation time, approved by the Board of Selectmen, from a previous fiscal year will not be paid out.
- 5) Employees will continue to earn vacation credit while on paid leave. An employee will continue to earn vacation credit while in the status of workers' compensation for up to one year from the anniversary date of the injury. No vacation credit will accrue while on unpaid leave. Accrual will resume upon return to work.
- 6) Vacation Leave will be paid at the employee's base payrate at the time of vacation.
- 7) If a holiday falls during a vacation period, the holiday leave time will be used in lieu of the vacation leave.

b. Sick Leave

- 1) Each full-time and part-time benefit-eligible employee shall accrue and accumulate earned sick leave for personal illness at the rate of one and one quarter (1 ¼) days for each month of employment (15 days per year based on the employees regularly scheduled work week). Unused sick leave may be accumulated up to a maximum of 60 working days and carried over to the next fiscal year.
- 2) New eligible employees are entitled to use sick leave, as accrued, after completing 90 days of service.
- 3) Sick leave is generally for protection of employees against loss of pay due to personal illness, or the illness of a dependent child or spouse. Medical certification may be required for any illness in excess of three consecutive days.
- 4) Medical certification attesting to fitness for return to work may be required for any sick leave in excess of three consecutive days.
- 5) Loss of time directly attributed to injury incurred while performing regular duties and qualifying for workers compensation shall not be charged to sick leave.
- 6) Upon termination of employment, no sick leave will be paid out.
- 7) Employees entitled to sick leave under this bylaw shall earn sick leave credit up to one year from the anniversary of the illness while in the

status of Worker's Compensation. No sick leave will accrue while on unpaid leave. Accrual will resume upon return to work.

c. Bereavement Leave

- 1) An employee may be granted bereavement leave for the purpose of arranging for and attending the funeral of a member of the employee's family. Paid bereavement leave begins the first day following death and is payable according to the following:
  - i. One (1) work week: Employee's spouse or domestic partner, child, stepchild, parent, stepparent, brother, sister, stepbrother, stepsister.
  - ii. Three (3) consecutive days: Employee's grandparents, grandparents-in-law, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law.
  - iii. One (1) day: Employee's brother-in-law, sister-in-law, aunt, uncle, nephew, niece, first cousin.
- 2) Bereavement Leave is normally granted immediately following a death in the family. If the funeral arrangements are postponed or when other unusual circumstances exist, the employee may, with supervisory approval, defer the Bereavement Leave to a later date. An obituary and/or notice of funeral arrangements must be supplied to the Treasurer's office.

d. Parental Leave

All qualified full-time and part-time employees, as defined by this bylaw and covered by MGL Chapter 149, Section 105D, shall be entitled to parental leave.

1. An employee who has completed three months of employment shall be entitled to eight weeks of unpaid leave for the purpose of giving birth or for the placement of a child under the age of 18 (or under the age of 23 if the child is mentally or physically disabled) for adoption.
2. Both men and women are eligible for parental leave.
3. Employees must provide at least two weeks' notice of the anticipated date of departure and state their intention to return.
4. If two employees are giving birth to or adopting the same child, the two employees are entitled to an aggregate of 8 weeks unpaid leave.

e. Leave of Absence

- 1) A leave of absence without pay may only be granted after a written request to and vote of the Board of Selectmen. Any unauthorized leave shall be deemed a voluntary resignation.

9. FRINGE BENEFITS

a. Holidays

Full-time and part-time benefitted employees shall be paid for each of the following holidays as outlined below:

New Year's Day	January 1
Martin L. King Day	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Patriot's Day	3 <sup>rd</sup> Monday in April
Memorial Day	Last Monday in May
Juneteenth	June 19 <sup>th</sup>
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veterans Day	November 11
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Christmas	December 25

- 1) In Massachusetts, holidays falling on Sunday are celebrated/observed on Monday. Holidays falling on Saturdays will be observed as voted by the Board of Selectmen.
- 2) If an employee is:
  - a. Regularly scheduled to work on a day on which a holiday is **observed** and not required to work, he/she/they will be paid for the regularly scheduled hours.
  - b. Regularly scheduled and **required** to work on a day on which a holiday is **observed**, he/she/they will be paid double time for hours worked, in lieu of taking the holiday at a later date.
  - c. Not regularly scheduled to work on a day on which a holiday is **observed** but is **required** to work, he/she/they will be paid a maximum of time and one-half for hours worked, according to applicable overtime rules.
- 3) During the first Board of Selectmen meeting in January of each year, the Board will determine any changes in observation of the coming holidays for that calendar year, to include the next New Year's Day.

b. Insurance Benefits

- 1) Employees working a minimum of 20 hours per week on a year-round basis are entitled to join a group health insurance plan offered by the Town.



- 2) The Town shall offer Group Insurance and assume seventy-five (75%) percent of the premium cost. The employee shall assume the remaining twenty-five (25%) percent of the premium cost.
- 3) Health Insurance coverage may be continued through COBRA, at the full expense of the employee, for up to one year after discharge or separation

c. Worker's Compensation/Injury Leave

1. Police and Fire uniformed employees are covered under the provisions of MGL Chapter 41, Sections 100 and 111F, and are entitled to the benefits and provisions of this law.
2. Any employee sustaining an injury while on duty must immediately report the injury to the Board of Selectmen's office, or directly receiving treatment in the case of a severe injury.

d. Pension

Regular employees working a minimum of 20 hours per week are required to join the Worcester Regional Retirement System effective on the date of hire, with payroll deductions made in accordance with Massachusetts General Laws.

e. OBRA

All employees not contributing to Worcester Regional Retirement System must contribute to the mandatory 457B under the Massachusetts Smart Plan/OBRA, with the exception of election workers earning less than \$1800 per year and full-time students.

10. COMPENSATION

a. Direct Deposit

- 1) As of January 6, 2015, all employees must have all payroll and expense reimbursements direct deposited to the financial institution of their choosing.

b. Overtime/Compensatory Time

- 1) Payment for overtime shall be in accordance with the terms of the Fair Labor Standards Act of 1938, as amended. If an assignment requires work in excess of 40 hours per week, such overtime work must be authorized in advance by the Department Head. Exempt, salaried employees are not entitled to overtime pay or compensatory time. If an

employee uses sick time during the work week, voluntary overtime will be paid at straight time until the sick time used is covered; involuntary overtime will be paid at time and one-half. All overtime worked will only be paid at a maximum of time and one-half; this includes holidays and Sundays.

- 2) When an hourly employee is called into work at times other than their normal working days or hours, the employee will be paid a minimum of four hours overtime for full-time employees and four hours of straight time for part-time employees who have not worked over 40 hours that week. (Fire Department on-call employees are paid a two-hour minimum.) If the employee remains at work longer than four hours, they will be paid for the actual hours worked at an overtime rate for full-time employees and straight time for part-time employees who have not worked over 40 hours that week.

This does not pertain to employees who were called to attend to duties/emergencies at the end of their shift, which will be paid out as overtime for the actual hours worked.

The use of sick time as outlined in section 1 above applies to minimum call-in hours.

The actual hours worked **MUST** be recorded on the timesheet when entering a four-hour minimum call-in as it is fraudulent to record times not worked on a timesheet.

c. Payroll Period

Employees are paid on a bi-weekly basis for a period beginning on Sunday and ending the second Saturday thereafter. Payday is the Friday after the payroll period ending date.

d. Call Back

Employees laid off due to a lack of work may be called back when there is adequate work for the position they left, with the pay and benefits which were applicable when laid off. Should an employee decline to return to work when recalled, his/her/their employment will be terminated as of the date that the decline occurs.

e. Timesheets

All paid Town employees are required to account for their hours worked, by filling out a Bi-Weekly Timesheet. The following shall be recorded on the timesheet: Time in and Time out, along with location and reason for the duties performed. Time recorded for a minimum four-hour call-in must be recorded using actual time worked. Failure to submit the

required information shall be reason for termination, by a vote of the Board of Selectmen.

11. AMENDMENTS TO THIS POLICY

This Policy may be amended by a vote of the Board of Selectmen. No amendment shall be considered or voted by the Selectmen unless the proposed amendment has first been submitted to the Board for review in writing fourteen (14) days prior to consideration.

12. COLLECTIVE BARGAINING AGREEMENTS

The provisions of any collective bargaining agreement negotiated, as provided by the Massachusetts General Laws, between the Town and an employee group or union shall prevail over the provisions of this policy.

13. SEVERABILITY CLAUSE

Each provision of this Policy shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

14. APPLICATION FOR JOB

- a. Prospective employees must complete an appropriate Job Application Form.
- b. Prospective employees must complete an Alien Immigration Form (I9) in compliance with Federal Law, providing the required documentation.
- c. Employees must complete a personal information form for their personnel file.
- d. All employees will require a Cori check.

15. SPECIALIZED JOBS/POSITIONS

- a. Employees in the Fire and Police Departments must further adhere to the respective departmental procedures, rules, and regulations, as well as applicable State and Federal regulations and laws. Copies of these policies and procedures must be provided to the Board of Selectmen's office, along with updated copies thereof.
- b. Department Heads shall notify the Board of Selectmen's office of time off, whether scheduled or otherwise.
- c. Department Heads shall provide the Board of Selectmen with monthly activity reports by the second week of the month for the previous month's activities.