

Town of Warwick  
**PERSONNEL POLICIES**

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<b>I. ADMINISTRATION</b>	
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## **1. Purpose, Authority and General Provisions**

The Personnel Policies have been promulgated by the Town of Warwick for the purpose of providing a written statement of the personnel policies that govern employees and employment. The purpose of these personnel policies is to establish and guide a system of personnel administration, and to provide a broad view of employee guidelines, practices and job expectations in conformance with federal and state statutes.

The contents of this document are for the use and information of management and staff. This document is not an employment contract and should not be interpreted as one. No policy creates a contract between the Town and any employee, or group of employees. The Town reserves the right to modify, revoke, suspend, terminate, or change any and all plans, policies and procedures, in whole or in part, at any time, in accordance with the Town bylaws, at its sole discretion.

The provisions of this regulation shall be entitled the “Personnel Policies and Procedures, Town of Warwick, Massachusetts.” This regulation may be referred to as the “Policy” for the purposes of these policies and procedures.

## **2. Effective Date for Application of Policy**

This Policy shall take effect upon adoption by the Warwick Selectboard at a public hearing and shall repeal all previous policies and procedures.

## **3. Scope of the Policy.**

This Policy solely shall apply to all paid employees of the Town of Warwick, except those in offices filled by popular election. Each board, commission, committee, town official or other town authority having any town employee under its direction shall, for the purposes of this regulation, be referred to as a Department Head, and shall have its jurisdiction fixed in accordance with, and only in accordance with the job classifications set forth in this Policy.

### **1. Administration**

The Town may establish, rescind, or amend such administrative procedures it may consider necessary for the implementation of these rules. Such procedures and any amendments thereto shall become effective upon approval by the Selectboard, following an informal hearing.

In any instance where these policies conflict with federal or state laws, such laws shall be deemed to prevail.

### **5. Role of the Selectboard.**

- a. It shall be the responsibility of the Selectboard to administer this Policy consistent with their duties and responsibilities as defined by the Massachusetts Constitution, Massachusetts General Laws and Bylaws of the Town of Warwick.
- b. The Selectboard will from time to time review this Policy and propose such amendments as they believe appropriate.
- c. The Selectboard may add new job titles and positions to this Policy and reclassify existing jobs. Any creation of salaried positions or increases in the salaries or wages of existing positions under this section shall be effective only if funds are available for the purpose.
- d. Recommendations for changes in wage and salary rates and classifications for the following fiscal year shall be made in writing to the Selectboard not later than the last date for the submission of budgets for that year.

## **B. PERSONNEL RECORDS**

In Massachusetts, a “Personnel Record” is defined by law as a record kept by an employer that identifies an employee relative to qualifications for employment, promotion, transfer, additional compensation, or disciplinary action. Massachusetts law also requires that an employee’s Personnel Record contain the following:

- Name.
- Address.
- Date of Birth.
- Job title and description.
- Rate of pay and any other compensation paid to the employee.
- Starting date of employment.
- Job application of the employee.
- Resumes or other forms of employment inquiry submitted to the employer in response to his advertisement by the employee.
- All employee performance evaluations, including but not limited to employee evaluation documents.
- Written warning(s) of substandard performance.
- Waivers signed by the employee.
- Copies of dated termination notices.
- Any documents relating to disciplinary action regarding the employee.

A personnel record of each town employee shall be properly and securely maintained by and kept in the Treasurer’s office, in a manner that makes reasonable effort to protect the privacy of employees. This record shall contain all of the information required by law as listed above and may contain other pertinent data (i.e. scheduled work hours, benefits, social security number, accrued benefits, record of special training received, emergency contact(s), etc.).

It shall be the duty of new employees to furnish all information needed for the completion of this record to the Treasurer. Any other information (i.e. commendations, awards, etc.) submitted for addition to the employee's personnel file must be approved by the Selectboard.

Upon the submission of a written request to the Selectboard, the employee may review or be furnished with a copy of his/her personnel file within five (5) business days of the written request. If the employee disagrees with any information contained in the personnel record, correction of such information may be mutually agreed upon by the Selectboard and the employee. If an agreement is not reached, the employee may submit a written statement explaining his/her position, which shall become a part of the permanent record.

Records and documents relating to medical certifications, medical histories of the employee or the employees' family members, and requests for Family Medical Leave, Parental Leave, and Small Necessities Leave will be maintained as confidential medical records and kept in separate files from the usual personnel files in the Treasurer's office (see Medical Records in Section V) based on HIPAA requirements and in accordance with MGL Chapter 149 Section 52C.

### **C. DEFINITIONS**

As used in this Policy, the following words and phrases shall have the following meanings unless a different meaning is clearly required by the laws of the Commonwealth:

**At Will.** At all times, employment with the Town is considered to be "at-will", meaning the employment relationship may be terminated at any time, for any lawful reason, by either party.

**Full-Time Employment:** Full time shall mean 40 hours per week with a regularly scheduled work day of 8 hours.

**Part-Time Employment:** Part time shall mean fewer than 40 hours per week.

**Temporary Employment:** Temporary shall mean an employee hired for a specified limited time period. Temporary employees are not eligible for benefits.

**Exempt and Non-Exempt Employee:** Status is determined pursuant to the job responsibility and qualification standards outlined by the Fair Labor Standards Act of 1938 as amended and Title 29 Part 541 CFR.

**Eligibility for Insurance Benefits:** Full and part time employees who work 20 hours or more a week on a regular basis are eligible for group health insurance. Employees who begin working for the Town at less than 20 hours a week but later increase to a scheduled 20 hours or more a week are eligible at the time of the schedule increase.

**Board** -Refers to the Selectboard of the Town of Warwick, Massachusetts.

**Compensatory Time** -Compensatory time may be given in lieu of overtime when deemed necessary, and shall not accumulate in excess of sixty (60) hours without prior approval of the Board of Selectmen. Compensatory time must be used within one (1) calendar year of the date it is granted. Only time actually worked is counted in the computation of overtime (i.e. sick time, vacation, etc., are excluded). Compensatory time will be provided in conformance with FLSA.

**Continuous Employment** -Employment uninterrupted except for required military service and for authorized vacation, sick leave, bereavement leave, court leave, or other approved leave of absence. Continuous employment shall be in conformance with FLSA.

**Department** -Any department, board, committee, commission, or other agency of the Town subject to this Policy.

**Department Head** -The officer, board or any other body having immediate supervision and control of a department.

**Emergency Employment** Employment for not more than two weeks without the prior approval of the Selectboard; this employment is to cover any unforeseen emergency. The Department Head hiring such employee shall notify the Selectboard of his/her action as soon as possible.

**FLSA** Fair Labor Standards Act.

**FMLA** Family Medical Leave Act

**Grievance** A dispute between an employee and his/her supervisor arising out of an exercise of administrative discretion by such supervisor.

**MMLA** Massachusetts Parental Leave Act

**Overtime** Time in excess of the normal work week of forty (40) hours. During snow removal, overtime begins after eight (8) working hours per day.

**PERAC** Public Employee Retirement Administration Commission

**Performance Evaluation** -Written review of an employee's job performance as outlined in job description.

**Personnel Committee** Appointed by the Warwick Selectboard, to resolve grievances at the fourth step of the grievance procedure.

**Personnel Record** The file which contains all pertinent information about a Town employee including job evaluations, and any disciplinary action taken against an employee, and separately, medical information. The Treasurer is responsible for keeping and maintaining the personnel files.

**Review Period** The first six months of employment, ending after a successful performance evaluation by the supervisor and approval by the Selectboard.

**Town** Refers to the Town of Warwick, Massachusetts.

**Town Meeting** Refers to the Town's legislative body as defined by M.G.L., Chapter 39, s.9 et. seq.

**Work Week** The normal work week is from Thursday to Wednesday.

## **II. RECRUITMENT, SELECTION AND TERMINATION**

### **A. EQUAL OPPORTUNITY**

The Town is an equal employment opportunity employer and will not discriminate on the basis of race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, active military or veteran status, or any other protected class.

### **B. DISABILITY DISCRIMINATION PREVENTION**

#### **1. Policy Statement.**

In accordance with the requirements of 28 CFR Part 35, the Town advises applicants, participants, and the public that it does not discriminate on the basis of disability in access to, or employment in, its programs, services or other activities. The Town 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.

#### **2. Selection**

Subject to the provisions of this Policy, if a vacancy occurs, or a new position is established, the Department Head shall, subject to the approval of the Selectboard, advertise the opening. All open positions, part-time and full-time, for employment in the Town, shall not be filled until they have been posted for seven days on the public bulletin board at the Town Hall, except those positions filled on an emergency basis.

In addition, the position shall be advertised locally. Applications shall be received by the Selectboard, logged in, and copies sent to the Department Head, and interviews scheduled. The Department Head shall choose the applicant best suited for the advertised position. The choice of the Department Head or Board shall be subject to the review of the Selectboard.

Prior to being hired, a prospective employee will be given a job description by the person or Board doing the hiring. The prospective employee will also be told what type of employee he/she is; i.e., part-time, full-time, exempt, non-exempt.

### **3. Reasonable Accommodation**

The Town 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 Town, as determined by the Selectboard.

The Town 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; and to enable an employee with a disability to enjoy equal benefits and privileges of employment.



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#### **2. Procedures for Establishing Standards**

The Town has and will continue to establish bona fide 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.

#### **3. Reasonable Accommodation**

The Town 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 Town as determined by the Selectboard.

The Town 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; and to enable an employee with a disability to enjoy equal benefits and privileges of employment.

### **C. PRE EMPLOYMENT CHECK**

New employees are selected through a process that may include, but is not limited to, written application, personal interviews, and professional reference checks. The Town requires applicants to sign a release waiving liability for anyone who provides the Town with a reference for them. These forms can be found in the Supervisors Handbook/shared drive under Library.

Prior to employment, job-related background checks or health examinations may also be conducted for designated positions, as determined by the Town, to ensure the well-being and safety of the community.

Pre-employment checks may include but are not limited to:

- Verification of prior employment, education, or credentials.
- Criminal and/or driving record history, credit checks, only after a conditional offer is made.
- A health exam, if appropriate, only after a conditional offer is made.

The Town may conduct some or all of these background checks for applicants selected for designated positions. Information acquired as a result of the background check may or may not be held confidential.

#### **D. CRIMINAL & SEXUAL OFFENDER RECORDS INFORMATION**

The Town will adhere to laws regarding Criminal and Sexual Offender Record Information checks.

**1. CORI.** The Criminal Offender Record Information (CORI) system is administered by the Massachusetts Criminal History Systems Board (Board). General grants include, but are not limited to, those applicants for positions that have unmonitored access to children, the disabled, or the elderly. The Town will only request CORI information after a conditional offer is made to a candidate.

**2. SORI.** The Sexual Offender Registry Board administers the Massachusetts Sexual Offender Registry. The Board keeps a database of convicted sex offenders and classifies each offender so that the public may receive information about dangerous sex offenders who live or work in each community. The Town will only request SORI information after a conditional offer is made to a candidate.

Any individual whose relationship to the community or work may include close or unsupervised contact with children, the disabled, or the elderly shall be subject to both a CORI and a SORI check.

#### **E. DRIVERS LICENSE AND DRIVING RECORD VERIFICATION**

Any employee whose work for the Town entails operation of a motor vehicle must maintain a valid driver's license and must inform his/her supervisor of any loss of license or restrictions that would impact his/her ability to perform his/her job functions. Failure to inform the supervisor of changes to license status may result in

disciplinary action including dismissal. Highway Department employees with a Commercial Driver's License are subject to pre-employment and random drug testing

#### **F. Physical Examination, Medical Exam and Pre-Employment Drug Testing**

Prior to final appointment a new employee may be required to undergo a physical exam , and submit a report from the attending physician. The Selectboard may consider that report in acting on the appointment

#### **G. ELIGIBILITY TO WORK IN THE UNITED STATES**

All employees hired after November 16, 1986, are required to provide, within 72 hours of employment, documentation which indicates their United States citizenship, or if not citizens, that they are legally authorized to work in the United States, as documented on the I9 Form. The I9 form must be signed prior to beginning work on the first day of employment.

#### **H. PROVISION OF EMPLOYEE REFERENCES**

The Town will not furnish references over the telephone or in writing without the express written permission of the employee including a statement holding the Town harmless from any liability resulting from such recommendation.

#### **I. EMPLOYEE RESIGNATION/TERMINATION**

Employment with the Town has no specific term or length. Employees are free to resign at any time and the Town reserves the right to terminate employment for any reason not prohibited by law.

##### **1. Voluntary Termination**

If an employee should resign from the Town, the Town would appreciate as much advance notice as possible so that arrangements can be made for a replacement. Usually, two (2) weeks written notice is sufficient, unless the employee is in a supervisory capacity, in which case the Town would appreciate a one (1) month written notice. If an employee resigns, he/she will be paid for accrued but unused vacation time. An employee will not be paid for any unused accrued sick leave or personal leave.

##### **2. Involuntary Termination –**

An employee is expected to meet standards of performance, attendance and behavior and to follow Town policies and procedures. An employee may be terminated for failure to do so. An involuntarily terminated employee will be paid through the date of termination. He/she will receive pay for any accrued but unused vacation time.

Notwithstanding the above, M.G.L Chapter 39, section 23B procedure shall apply rather than the above where appropriate.

### **III. COMPENSATION**

#### **A. SALARY ADJUSTMENTS OR RECLASSIFICATION OF A POSITION**

If the nature of an employee's duties changes significantly in scope or level of responsibility, that employee's supervisor may request a salary adjustment or reclassification. The Selectboard, with the recommendation of the relevant Department Head, has the authority to approve salary adjustments. For reclassification, a detailed listing of changes to the existing job description is required to document the new responsibilities, functions or workload performed by incumbent. The request will be reviewed by the Selectboard.

#### **C. PAY PERIOD AND DIRECT DEPOSIT**

The pay period is currently every two weeks. No changes will be made to the pay period without sufficient notice. Employees are encouraged to have their paycheck deposited directly into a specified bank account(s) of their choice.

#### **D. PAYROLL DEDUCTIONS**

All earnings and deductions are reflected on the payroll stub. The Town is required to withhold the following deductions from wages under M.G.L. Chapter 149, Section 150A:

- Federal Income Tax
- Massachusetts Income Tax
- Retirement Plan (if applicable)
- Medicare portion only of Federal Insurance Contributions Act (FICA)
- Wage Garnishments (upon IRS Notice or Court Order)
- Omnibus Budget Reconciliation Act (OBRA) contributions, if the employee is not eligible for the Retirement Plan.
- Other optional employee deductions

#### **E. OVERTIME & COMPENSATORY TIME (FOR NON EXEMPT EMPLOYEES ONLY)**

##### **1. Responsibility of Department Heads.**

Department Heads are responsible for the control and authorization of compensatory time. All work that would result in compensatory time must be pre-approved by the

immediate supervisor, and shall be charged to the project for which the extra time was worked.

## **2. The Fair Labor Standards Act.**

The Fair Labor Standards Act (FLSA) of 1938 as amended, and Title 29 Part 541 CFR allows that non-exempt employees be given compensatory time equal to one and one-half (1 ½) for actual hours worked over 40 hours in lieu of receiving overtime compensation. Only non-exempt employees are allowed to receive and accrue compensatory time. If non-exempt hourly employees are required to work more than the scheduled hours but less than 40, they may accrue an hour for each hour worked and 1 ½ hours for those hours worked above 40. Exempt employees are exempt from this act.

## **3. Nonexempt employees.**

Nonexempt employees can hold up to 60 hours of compensatory time but are required to use the time within one year of earning it. In extraordinary situations, the Selectboard may authorize increased compensatory time earning for a limited and defined time period.

## **F. FLEXIBLE TIME (FOR EXEMPT EMPLOYEES ONLY)**

With the prior approval of the supervisor, exempt employees may work a flexible schedule within a pay period if it is for operational efficiency of the Town. For example, if an employee needs to cover an evening meeting and would like to reduce hours on another day within the same pay period, the supervisor may authorize such. Banked time may not exceed 40 hours or its pro-rated equivalent for part-time employees.

## **G. MEAL PERIOD**

Employees working more than 6 hours in a day are entitled to a minimum of a 30 minute unpaid lunch period during the work day. The specifics of scheduling may be arranged between the employee and the employee's supervisor.

## **H. TRAVEL**

### **1. Mileage**

Mileage for work-related travel will be reimbursed at a rate, established by the Selectboard. Commuting distance and time to and from the primary work location is not reimbursable. If a work trip begins from home, all mileage and time, after an employee's regular commute distance has been subtracted, can be submitted for reimbursement. If required to commute to work more than once in a day or on non-scheduled work days such as weekends, all mileage will be reimbursable.

## **2. Parking and Tolls**

Parking and tolls shall be reimbursed on the basis of receipt with supervisor approval. Employees are encouraged to use low-cost or free parking when available and reasonably convenient.

## **3. Public Transportation Fees**

Where no receipt is provided, public transportation fees should be submitted to supervisor and will be approved within reason.

## **4. Meals.**

If required to travel for more than one day while on Town business, meals will be reimbursed on basis of receipt with a limit of \$15 for breakfast, \$20 for lunch and \$30 for dinner, with a maximum reimbursement of \$65 per day. Higher amounts will be considered for reimbursement if allowed by federal or state travel guidelines. For employees whose work is usually performed in one primary office location, meals may also be reimbursed, with prior approval of supervisor, at the same reimbursement rate described above, when they are attending meetings/events outside of the office. Tips and meal tax may be reimbursed as long as the total is within the limits. No reimbursement will be made for alcoholic beverages. With the supervisor's prior approval, an employee may be reimbursed for their meal and the meal of others if the meal was for business purposes.

# **IV. EMPLOYEE BENEFITS**

## **A. HEALTH AND LIFE INSURANCE**

Full-time regular employees and eligible part-time employees (those regularly working 20 hours a week or more) are entitled to health and basic life insurance through a group policy held by the Town. The Town contributes 75% of the premium cost of the lowest cost plan available to Town employees but in any event no less than 50% of an offered plan. The employee pays the balance through payments deducted directly from his/her paycheck. This coverage will continue for one month after termination of employment. COBRA rights and requirements then apply.

Additionally, life insurance, dental insurance and other voluntary coverage can be purchased on an employee pay-all basis (no contribution to premium by the Town).

## **B. COBRA**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, as amended (Public Law 99-272, Title X, Section 10002; 100 Stat 227; 29 U.S.C. 1161-1168) contains provisions giving certain former employees, spouses and dependent children the right to temporary continuation of health coverage at group rates.

COBRA coverage is available in specific instances for a period of up to 18 months and entirely at the employee's cost. If payment for coverage becomes delinquent, coverage will end.

When and if an employee or a dependent becomes entitled to COBRA benefits, he/she will receive a notice stating his/her right to continue benefits provided by the group health plan carried by the Town and will then have 60 days to choose coverage or lose all rights to benefits. Once COBRA coverage is chosen, the individual will be required to pay for the full premium.

#### **C. UNEMPLOYMENT INSURANCE**

The Town pays the cost established by the Commonwealth of Massachusetts to provide mandated unemployment insurance for its employees. The Massachusetts Department of Employment and Training (DET) determines an employee's eligibility.

#### **D. EMPLOYEE ASSISTANCE PROGRAM**

The Town provides an Employee Assistance Program that is designed to help employees and their family members by providing crisis intervention, assessment, referral and short-term counseling services in order to help identify and resolve personal issues and stress, illness, alcohol or other drug abuse, legal issues, financial or marital difficulties, as well as any other distresses. The EAP program is confidential and information cannot be released without the employee's permission except as required by law. Information on the EAP is included with a new employee's packet, including the toll free number.

#### **E. RETIREMENT AND PENSION BENEFITS**

The Town will adhere to the rules and regulations promulgated by the Massachusetts State Retirement System and the Massachusetts General Laws. For additional information and procedures, contact the Massachusetts State Retirement Board directly.

#### **F. HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT**

The Town will comply with the Privacy Regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. The Town shall limit the use of and access to Protected Health Information which is held by the Town or its lawful agents. Protected Health Information is any written, oral or electronic form of information relating to a person's past, present or future health condition, delivery or payment of

health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards established to limit use and access to protected health information are stated as an integral part of this policy, established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Town.

## **V. LEAVE BENEFITS**

Vacation, personal and sick time is available for benefited part-time employees and is accrued on a pro rated basis based on their regularly scheduled work week.

### **A. PAID HOLIDAYS**

Full and part-time employees, working twenty (20) hours a week or more are granted paid time off on the following eleven (11) holidays (approximate dates):

New Year's Day	January 1 <sup>st</sup>
Martin Luther 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
Independence Day	July 4 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Christmas Day	December 25 <sup>th</sup>

Holidays that fall on Saturday will be observed on the Friday before. Holidays that fall on Sunday will be observed on the following Monday.

Unless approved otherwise by the employee's immediate supervisor, holiday time will be used when scheduled.

### **B. VACATION**

#### **1. Vacation Eligibility**

All full-time and part-time employees who work a regular schedule of 20 hours or more per week are eligible for vacation leave with pay. Vacation leave may be accumulated up to a maximum of four weeks or the prorated equivalent for part-time employees. Any vacation time earned beyond the established maximum will not be credited to the employee.



Employees are required to take at least one week of earned vacation each year unless the Selectboard approves advance arrangements.

All vacation time must be pre-approved by the supervisor. The Selectboard must approve requests for vacation in excess of two consecutive weeks. Vacation time may be used in hourly units. Vacation time may not be advanced before accrual.

Vacation time does not accrue during periods of unpaid leave. Unused vacation time will be paid upon termination, resignation or retirement.

Vacation leave with pay shall be accrued bi-weekly at the following rates based on length of time employed:

- Less than 5 years of service                      10 days/year
- 5 years but less than 10 years                      15 days/year
- 10 years or more                                      20 days/year

Vacation accrual will be pro-rated for part-time benefitted employees.

### **C. PERSONAL LEAVE**

Full-time employees are granted two (2) days per fiscal year, available as of July 1<sup>st</sup>. Personal leave is different from vacation leave in that it does not require advance approval and that it is for the purpose of handling personal matters during the normal business day. Personal days may not be carried over to the following fiscal year and are not compensable upon termination, resignation or retirement.

In the first year of employment, personal days are only granted in accordance with the following schedule. One (1) day is available for use as of the date of hire. One (1) additional day will accrue if employee is working in the first pay period after November 1<sup>st</sup>.

Personal leave accrual will be pro-rated for part-time benefitted employees.

### **D. SMALL NECESSITIES LEAVE ACT (SNLA) POLICY**

The Town will comply with the provisions of the Small Necessities Leave Act which mandates that employers permit eligible employees to take up to a total of 24 hours of unpaid leave within a rolling 12-month period.

The SNLA permits an employee leave for the following purposes:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference or interviewing for a new school;
- To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and

- To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes.

The 24 hours may be taken within the 12-month calendar year period and the time may be taken on an intermittent (i.e. 2 hours to attend a parent-teacher conference) or reduced-time schedule. Unused SNLA leave does not accrue from year to year.

## **E. SICK LEAVE**

Sick Leave applies to personal illness, disabling accidents (not work-related), prescribed medical examinations or caring for a sick family member.

### **1. Accrual.**

Sick leave is a time-off benefit for full-time employees and part-time employees that work 20 hours or more per week. Sick Leave accrues, after completion of the six month review period, at the rate of one day per month, retroactive to the first full month of employment, not to exceed 10 days per year. Sick leave is prorated for part-time and new employees. Sick leave can be carried forward from year to year with a maximum holding of 45 days for full-time employees, pro-rated for part time employees.

### **2. No Advance.**

Sick leave will not be advanced before accrual. When an employee's required time away from work continues beyond his/her accumulated sick time, the employee must use compensatory or other leave time if available. Sick time is not compensable upon termination, resignation or retirement. Sick time does not accrue during unpaid leave.

## **3. REPORT OF ILLNESS**

On the first day of absence from work due to illness, the employee shall report his/her illness to the supervisor, no later than 30 minutes (or as soon as reasonably possible given specific circumstances of illness) after the beginning of his/her scheduled work assignment. After three consecutive work days of missed work, a medical provider's note may be required from the employee. The Selectboard may deny the use of sick time and require the use of personal, vacation, or compensatory time or leave without pay if such time is not available.

## **F. FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The Federal Family and Medical Leave Act of 1993 ("FMLA" or "the Act") was enacted on February 5, 1993. The new law was effective on August 5, 1993.

The FMLA entitles eligible employees to take up to twelve weeks of unpaid, job-protected leave each year for specified family and medical reasons. An eligible employee's right to FMLA leave began on August 5, 1993.

## **G PARENTAL (MATERNITY & PATERNITY) LEAVE**

An employee, upon request, shall be granted up to eight work weeks of unpaid maternity leave in accordance with Massachusetts General Law. Such leave will run concurrent with the Family Medical Leave Act entitlement, if any.

The Town provides up to two weeks of paid leave for Maternity or Paternity leave, as part of the entitlement time period.

An employee is required to provide his/her department with seven (7) days' notice of the need for the leave if the leave is foreseeable. If the necessity for the leave is not foreseeable, the employee is required to provide notice of the leave as soon as practicable.

The law provides for an unpaid leave. An employee may elect to use any available accrued vacation, personal or sick leave benefits provided the use of such time is in accordance with the employer's leave policies.

An employer may require the employee to substitute any of the employee's paid vacation leave, personal leave or sick leave for the leave provided for by the SNLA. A department may require that written certification or documentation support a request for leave under this act.

## **H. LEAVE FOR VICTIMS OF ABUSE AND FAMILY MEMBERS**

Per the provisions of M.G.L. Chapter 149 Section 52E, employees may take up to 15 days of leave from work in any 12 month period if:

- The employee, or a family member of the employee, is a victim of abusive behavior;
- The employee is using the leave from work 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; and
- The employee is not the perpetrator of the abusive behavior against such employee's family member.

Employees may use any accumulated benefit time, including sick time, for this leave. If the employee has no accumulated leave time, time taken will be unpaid.

Except in cases of imminent danger to the health or safety of an employee, an employee seeking leave from work under this section shall provide appropriate advance notice. Such notification may be communicated by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee. If an unscheduled absence occurs, an employee has 30 days to provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior. Appropriate forms of documentation are outlined in M.G.L. Chapter 149 Section 52E or available from the Treasurer.

All information related to the employee's leave under this section shall be kept confidential by the employer and shall not be disclosed, except to the extent that disclosure is:

- Requested or consented to, in writing, by the employee;
- Ordered to be released by a court of competent jurisdiction;
- Otherwise required by applicable federal or state law;
- Required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or
- Necessary to protect the safety of the employee or others employed at the workplace.

#### **I. BEREAVEMENT**

Following the death of a family member, employees are entitled to paid leave of up to three days. A family member is defined as follows: husband, wife, domestic partner, significant other, (step) child, parent of either spouse, grandparent, grandchild, brother or sister of employee.

#### **J. JURY DUTY**

An employee who is subpoenaed by a Federal Court, State Court, or political subdivision to serve as a juror is granted leave for this purpose. The Town will pay the employee the employee's current salary. If the employee receives compensation for serving, such funds shall be deducted from the employee's pay. If an employee serves as a witness in a work-related case, such time is considered work time.

#### **K. MILITARY**

Military leave shall be administered as required by M.G.L. Chapter 59, and the Veterans Reemployment Act, 38 USC, Section 4301 and in compliance with other state and federal statutes such as USERRA.

#### **L. LEAVE WITHOUT PAY**

Leave without pay may be granted to employees by the Selectboard for reasons not otherwise addressed in these policies. The request for such leave must be submitted in writing, clearly stating the reason for such request. Leave without pay will only be approved for extraordinary situations. If approved, notification will be given to the employee's supervisor and a copy of the request added to the employee's personnel file.

Employees on leave without pay shall not accrue any form of earned leave, or be compensated for holidays. The time of absence will not count toward creditable service for vacation time earned or toward longevity.

Employees on leave without pay may continue their health insurance coverage by paying the full cost of same in advance on a monthly basis, for the time missed.

## **VI. WORKPLACE POLICIES**

### **A. ATTENDANCE POLICY STATEMENT**

Good attendance is an essential function of every employee's job. Patterns of attendance abuse, such as frequent absences on Fridays and/or Mondays, will be scrutinized closely. Employees will be subject to progressive discipline up to and including termination. If an employee exhausts all of his/her accrued leave and has not been granted additional leave for an essential and lawful purpose as determined by the Selectboard, he or she will be considered to be on unauthorized leave and will be subject to discipline up to and including termination.

### **B. DRESS CODE**

Employees are required to dress in a manner that is appropriate to their work environment.

### **C. ETHICS AND CONFLICT OF INTEREST**

#### **1. Ethics Policy Statement.**

All persons employed by the Town hold a position of public trust and, as a result, are expected to conduct themselves in a highly ethical and appropriate manner. Employees shall avoid any action that might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting Town business. Employees are expected to adhere to conduct established by the laws of the Commonwealth, including Chapter 268A, the Conflict of Interest statute.

## **2. Conflict of Interest Policy.**

The purpose of this policy is to ensure that employees and officials comply with the requirements of M.G.L. Ch. 268A, which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law.

### **D. POLITICAL ACTIVITY**

The Federal Hatch Act, as well as the Massachusetts Office of Campaign and Political Finance (OCPF), restricts 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 or distributing political pamphlets. Under no circumstances may an employee participate in any form of fund raising for a political candidate or activity on work time. All employees shall comply with the Hatch Act and OCPF requirements. Furthermore, no employee shall use Town property or equipment for political activities at any time.

### **E. OUTSIDE EMPLOYMENT AND POLITICAL OFFICE**

Town employees may not engage in outside employment that causes or could potentially cause a conflict of interest. Outside employment is permitted so long as the employment does not interfere with the efficient operations of the Town. Employees are expected to fulfill their schedules with the Town and may not change their schedules to work for another entity. Vacation time may be used, but must be preapproved. Any questions regarding outside employment must be discussed with the Selectboard.

### **F. SOLICITATIONS**

Solicitation of employees in working areas during working time is prohibited. Town employees may leave fundraising materials and promotional materials in the break room, for things such as fundraising walks, Girl Scout cookies, Boy Scout popcorn, daffodils, etc. Supervisors are not allowed in any circumstance to solicit the purchase of materials by subordinates, including any fundraising activities. No employee may solicit for or post materials for personal gain, such as Tupperware, Avon, Crafts, or Artisan products.

### **G. OPEN MEETING LAW**

The Town complies with the Massachusetts Open Meeting Law. Questions concerning the Open Meeting Law should be directed to the Selectboard.

## **H. TOWN PROPERTY**

The use of Town property and personnel for any personal use whatsoever is prohibited unless otherwise specified in these policies.

## **I. FRAUD**

The Town requires all staff to act honestly and with integrity and to safeguard the resources for which it is responsible. Fraud is a threat to the resources and credibility of the Town. The purpose of this statement is to set out responsibilities regarding the prevention of fraud and the procedures to be followed if fraud is detected or suspected.

## **J. WHISTLEBLOWER PROTECTION**

This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, 1992, Massachusetts General Laws, Chapter 149 (the “Act”) and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act. It is the policy of the Town:

- To encourage the reporting by its employees of improper governmental action taken by Town officers or employees; and
- To protect Town employees who have reported improper government actions in accordance with this policy.

## **K. DRUG FREE WORKPLACE**

It is the policy of the Town to provide a drug-free workplace for all of its employees in accordance with the provisions of the United States Drug-Free Workplace Act of 1988 (PL 100-690 or 41 U.S.C.S. 701-707).

## **L. ALCOHOL AND DRUG USE**

In addition to the provision of the Drug Free Workplace Act, the Town will take disciplinary action against employees who are under the influence of alcohol or drugs while on duty. Employees are expected to arrive at work able to perform their essential functions. If for any reason, including the prescription of medication, an employee is not able to perform the essential functions of his/her position, he/she must inform the supervisor.

## **M. SMOKING**

Employees must refrain from smoking while on duty, in all offices and work locations.

## **N. SAFETY BELTS**

All personnel are required to wear safety belts when operating or riding in Town-owned or leased vehicles or in other vehicles, including personal vehicles, while engaged in Town-related business.

## **O. CELL PHONE USE AND TEXTING WHILE IN VEHICLE**

Employees shall comply with all federal and state laws regarding the usage of cell phones, texting and other electronic and/or telecommunicating equipment while operating a vehicle, while engaged in Town-related business.

## **P. INJURY AND WORKERS COMPENSATION**

In compliance with M.G.L. Chapter 152, the Town provides a workers compensation program for employees. A worker becomes eligible for weekly compensation/indemnity benefits when disabled due to an on-the-job injury or occupational illness and is incapable of earning full wages. Determinations are made by the insurance provider.

In all cases, whether an employee seeks medical treatment or not, an Initial Report of Injury Form and a Supervisors Report must be completed within 24 hours of the initial injury or condition and submitted to their Department Head or the Treasurer. Failure to notify the Treasurer or designee may result in ineligibility for coverage and/or disciplinary action for failure to follow procedure.

If medical attention is sought, a medical provider's note is required to document the injury, the condition, prognosis and ability to return to work. No employee who seeks medical attention is allowed to return to work without such documentation.

The Town will adhere to the provisions of MGL Chapter 152 with respect to eligibility and case management and exercise its rights to manage claims.

## **Q. DISCRIMINATION AND NON-HARASSMENT POLICY**

The Town is committed to an environment that permits employees to develop and pursue opportunities free from discrimination and harassment on the basis of their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, active military or veteran status, or any other protected class.

## **R. PREVENTION OF SEXUAL HARASSMENT IN THE WORKPLACE**

The Town promotes 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 Town. Further, any



retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a 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 that is 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.

## **S. WORKPLACE VIOLENCE PREVENTION**

The purpose of this policy is to establish a Town standard that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; to reduce the potential for violence in and around the workplace; to mitigate the negative consequences for employees who experience or encounter violence in their work lives; and to ensure that appropriate resources are available to employees who may be victims of workplace violence or who may be perpetrators of workplace violence.

## **T. CONDUCT**

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times regarding workplace issues with regard to their responsibilities, the interests of the Town and the welfare of its the community.

Failure to conduct oneself in a manner consistent with the standards of conduct and policies included herein may result in disciplinary action being initiated against the offending employee. The Town shall utilize a fair and equitable process in reviewing an employee's alleged violation of these standards and policies and shall discipline the employee, if called for, in a manner appropriate given the violation. Disciplinary action resulting in suspension and/or termination of employment due to a violation of this policy shall be subject to the grievance procedures set forth within these policies.

# **VII. COMPUTER, TECHNOLOGY, INTERNET, SOCIAL MEDIA**

## **A. ACCESS & USE OF TELECOMMUNICATIONS SYSTEMS**

### **1. Purpose.**

The purpose of this policy is to set in place the standards for the proper and allowed uses of the Town's telecommunications systems including telephones, email, facsimile machines (faxes), and the Internet. The use of these capabilities and equipment is subject to the same management oversight as any other employee activity.

### **2. Public Access.**

E-mail is considered a public record and as such is subject to the requirements of the Public Records Law (M.G.L. c 66). Federal courts have also held that electronic mail is considered a record for purposes of the Federal Freedom of Information Act.

### **3.Appropriate Use.**

E-mail and related on-line services are the property of the Town and are to be used for business matters directly related to the operational activities of the Town and as a means to further the Town's objective to provide efficient, complete, accurate, and timely services.

Users shall act in a professional manner, properly identifying themselves, and shall ensure that they do not misrepresent themselves or the Town.

It is recognized that Town telecommunications systems will be used for some personal business and use during the workday but such use should be limited.

The telecommunications systems shall not be used for:

- Personal gain or to conduct personal business, political activity, fundraising activity, or charitable activity;
- The transmission of materials used for commercial promotion, product endorsement or political lobbying;
- To promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability, sexual preference, or gender identity; to promote, result in, or contribute to sexual harassment; or to promote personal, political or religious business or beliefs;
- For any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity.

No user shall violate the computer security systems implemented by the Town.

No user shall pirate software or download and transfer software for which the user does not have the proper licensing.

All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. Executable programs imported from other sites to Town computers may not be used unless they have been authorized by the Selectboard, or designee, and have been subjected to the virus detection procedures approved by the Selectboard, or designee. Additional restrictions or regulations on the importing of remote files may from time to time be imposed and such restrictions or regulations shall be considered part of this policy.

Users shall not engage in activities that could cause congestion and disruption of networks and systems, including but not limited to consuming excessive system resources. For security purposes, employees should either log off or revert back to a password screen saver when leaving their computer for an extended period of time. When leaving for the day, employees should log off and power down all electronic equipment.

Personally-owned devices used to ‘officially’ access Town email and/or data will be subject to the same security-related regulations.

### **3. Open Meeting Law Compliance.**

All provisions of MA Open Meeting Law apply to email communication.

## **B. SOCIAL NETWORKING POLICY -**

Employees are encouraged to use professional judgment at all times with regard to personal and professional use of social networking sites. In using social networking sites, employees should at all times be respectful to co-workers, residents, or persons seeking assistance from the Town. Employees should not disclose confidential information, engage in any unlawful activity, or convey information that is disparaging or defamatory while using social networking sites, and must refrain from making comments or statements based upon race, color, gender, national origin, religion, ancestry, age, sexual orientation, gender identity, disability, paternal leave, genetics, active military status, or another basis prohibited under state or federal anti-discrimination statutes. Such statements or comments occurring online and/or through use of social networking sites will not be tolerated.

Use of social media during work hours, except as related to Town business or postings, is prohibited.

Violation(s) of this policy may result in disciplinary action being taken against the employee, up to and including termination from employment.

## **VIII DISCIPLINE & GRIEVANCE**

### **A. DISCIPLINE**

It is the responsibility of all employees to observe the rules and regulations necessary for the proper operation of the Town. Supervisors are responsible for the proper and efficient application of these policies.

The Selectboard is responsible overall for disciplinary actions involving Town employees. The Selectboard may assign responsibility for disciplinary actions to other managerial staff as needed. The reasons for disciplinary action that may be imposed

range from conduct or action that interferes or prevents the Town from effectively and efficiently discharging its duties to the public to terminable misconduct. When discipline is necessary, the Town has the responsibility to ensure that such discipline is fair and consistent.

Notwithstanding the fact that Town employees are “at-will”, depending on the severity and frequency of the circumstances, the Town may apply progressive disciplinary procedures. However, based on the nature of the offense, supervisors have the authority to apply verbal and written reprimands, or other appropriate disciplinary measures at any time for any reason. The Town reserves the right to use any or none of the disciplinary measures detailed above at the discretion of the Selectboard.

As a guide and not as an exhaustive list, the actions listed below are not acceptable and may result in disciplinary action up to and including discharge:

- Dishonesty.
- Inappropriate conduct.
- Deliberate abuse or damage to equipment, materials, buildings.
- Insubordination.
- Excessive absenteeism/tardiness.
- Disclosure of Confidential Information.
- Unauthorized absence.
- Conviction of a felony.
- Intentional misuse or unauthorized use of Town property.
- Use of, possession of, or being under the influence of alcohol, or unlawful drugs during work hours.
- Failure or refusal to carry out work or a training assignment.
- Deliberately falsifying information on an employment application, time sheet, or other record.
- Possession of firearms or explosives during work hours.
- Behavior that undermines the Town or tarnishes the Town’s reputation.
- Excessive use of personal mobile devices or personal internet sites on work time. (Excessive use is defined as use interfering with an employee’s ability to perform his/her job.)

Employees who are terminated are eligible to receive vacation pay accrued until the time of termination. Individuals may have the right to continue insurance coverage (COBRA) by paying their own premium for a period not exceeding 18 months as provided by federal law.

## **B. GRIEVANCE PROCEDURE**

### **1. Policy**

It is the policy of the Town of Warwick to encourage the resolution of misunderstandings, disagreements, or grievances of employee promptly and

impartially at the lowest organizational level possible. The following procedures are intended to achieve that objective.

## **2. Definition**

A grievance is a written request by an employee or group of employees for personal relief in a matter of concern or dissatisfaction relating to their employment that is subject to the control of the Town.

## **3. Exclusions**

The following items are excluded from the grievance procedure:

- Concerns arising during the probationary period.
- Position classification
- Performance evaluation
- Performance standards and objectives for the position
- Disciplinary action against another employee sought as remedy

## **4. Informal Procedure**

Within ten (10) working days of the occurrence of the incident causing grievance, the aggrieved employee shall present the case his/her supervisor. The supervisor will conduct an investigation as warranted by the circumstances, discuss findings with the grievant, and issue a decision to the grievant within five (5) working days of initial receipt of the grievance. The employee's presentation may or may not be in writing.

## **5. Formal Procedure**

If the matter is not satisfactorily resolved through the informal procedure, the grievant may present the case as a formal grievance, using the following procedure.

### Step 1.

Submit the grievance in writing to the Supervisor within five (5) working days of being advised of the decision of the informal grievance. The grievance must:

- Be in writing
- Identify the aggrieved
- Contain sufficient detail to identify and clarify the basis for the grievance
- Specify the time and place of its occurrence
- Contain consideration given or steps taken to secure informal resolution
- Specify the remedy requested by the employee
- Contain the name of the employee's representative, if any
- Be signed by the employee

### Step 2.

If the Supervisor is also the Department Head, go to Step 3

The Department Head will determine if the grievance is legitimate, and accept or reject it as appropriate. If the grievance is accepted, the Department Head will conduct an investigation as warranted by the circumstances, discuss the findings with the grievant, and issue a decision to the grievant within ten (10) working days of receipt of the grievance.

### Step 3.

If the matter is not resolved to the satisfaction of the grievant, he/she must submit a request to the Selectboard within five (5) working days of the receipt of the Department Head's decision, to reconsider the decision of the Department Head. The request must contain the original grievance, the decision of the Department Head, and any other pertinent information.

The Selectboard will conduct an investigation as warranted by the circumstances, discuss the findings with the grievant, and issue a decision in writing to the grievant within ten (10) working days of receipt of the request for reconsideration.

This is the final step for any grievance except those that involve suspension for more than five (5) calendar days without pay, demotion with loss of pay, or termination. With these exceptions, the Selectboard's decision is final and not subject to additional review.

### Step 4.

If the matter involves suspension for more than five (5) calendar days without pay, demotion with loss of pay, or termination, and the grievant is not satisfied with the decision of the Selectboard, request must be submitted in writing to the Personnel Committee within five (5) working days of the receipt of the Selectboard's decision, and must contain the original grievance, the decision of the Department Head, the decision of the Selectboard, and any other pertinent information.

The Personnel Committee will conduct an investigation as warranted by the circumstances, discuss the findings with the grievant, and issue a decision in writing to the grievant within fifteen(15) working days of receipt of the request for reconsideration. All decisions of the Personnel Committee are final.

### Working Days and Time Limits

Working days, as used throughout this directive, include all days except Saturday, Sunday, and holidays regardless of the employee's work schedule. Failure to meet time limits may be a basis for rejection of the grievance.