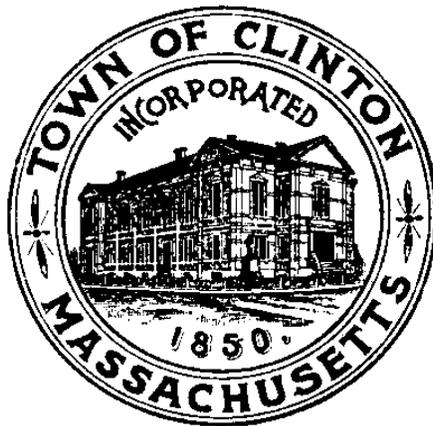


**Town of Clinton,
Massachusetts**



**Personnel By-Law
Final Draft**

Submitted by:

**Town of Clinton
Personnel Board**

PERSONNEL BYLAW

Table of Contents

Part 1. Administration

1.1 General Provisions

1.1-1 Purpose and Authorization

1.1-2 Application

1.1-3 Rules of Interpretation

1.1-4 Definitions

1.2 Administration of bylaw

1.2-1 Establishment of the Personnel Board

1.2-2 Responsibilities of the Personnel Board

1.2-3 Responsibilities of Appointing Authorities and Department Heads

1.3 Personnel Records

1.3-1 Policy

1.3-2 Application

1.3-3 Contents of Records

1.3-4 Confidentiality and Access to Records

1.3-5 Location of Records

1.3-6 Release of Information

Part 2. Pre-Employment/Initial Employment

2.1 Recruitment and Appointment

2.1-1 Policy

2.1-2 Application

2.1-3 Recruitment

2.1-4 Offers of Employment

2.1-5 Medical Examination

2.1-6 Failure of Report

2.2 Orientation/Probation Period

2.2-1 Policy

2.2-2 Application

2.2-3 Probationary Period

2.2-4 Department Head Responsibilities

Part 3. Compensation and Classification

3.1 Classification Plan

- 3.1-1 Policy**
- 3.1-2 Application**
- 3.1-3 Classification Plan Administration**
- 3.1-4 Classification of New Positions**
- 3.1-5 Reclassification of Positions and Periodic Reviews**
- 3.1-6 Classification Plan**

3.2 Compensation Plan

- 3.2-1 Policy**
- 3.2-2 Application**
- 3.2-3 Starting Rates of New Appointments**
- 3.2-4 Annual Performance Evaluations**
- 3.2-5 Merit Increases**
- 3.2-6 Promotion**

3.3 Overtime

- 3.3-1 Policy**
- 3.3-2 Application**

Part 4. Standards of Conduct/Disciplinary Procedures

4.1 Standards of Conduct

- 4.1-1 Policy**
- 4.1-2 Application**

4.2 Disciplinary Procedures

- 4.2-1 Policy**
- 4.2-2 Application**
- 4.2-3 Reasons for Disciplinary Action**
- 4.2-4 Disciplinary Procedure**

4.3 Grievance Procedure

- 4.3-1 Policy**
- 4.3-2 Application**
- 4.3-3 Grievance Procedure**

Part 5. Benefits

5.1 Holidays

- 5.1-1 Application**
- 5.1-2 Recognized Holidays**
- 5.1-3 Terms of Holiday Pay**

5.2 Vacation Leave

- 5.2-1 Application**
- 5.2-2 Accrual of Vacation**
- 5.2-3 Scheduling**
- 5.2-4 Termination**
- 5.2-5 Death**
- 5.2-6 Holiday While on Vacation**

5.3 Sick Leave

- 5.3-1 Application**
- 5.3-2 Accumulation**
- 5.3-3 Use of Sick Leave**
- 5.3-4 Termination of Employment**
- 5.3-5 Authorization of Sick Leave**

5.4 Bereavement Leave, Jury Leave, Leave of Absence, Military Leave, Personal Leave

- 5.4-1 Application**
- 5.4-2 Bereavement Leave**
- 5.4-3 Jury Leave**
- 5.4-4 Military Leave**
- 5.4-5 Leaves of Absence**
- 5.4-6 Personal Leave**

5.5 Parental Leave

- 5.5-1 Application**
- 5.5-2 Policy**

5.6 Contributory Life and Health Insurance

- 5.6-1 Application**
- 5.6-2 Policy**

Part 1. Administration

1.0 General Provisions

1.1-1 Purpose of Authorization

The purpose of the personnel bylaw is to establish a system of personnel administration governing employment within the Town of Clinton based on modern concepts of personnel management and merit principles which ensure that the recruitment, selection, and advancement of personnel shall be made on ability, knowledge, education and skill under fair and open competition. The personnel system shall be administered without regard to race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors and with proper regard for privacy and employee rights based on merit principles that ensure a uniform, fair and efficient application of the personnel bylaw. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Law, chapter 41, sections 108A and 108C.

1.1-2 Application

All town departments and positions shall be subject to the provisions of this bylaw but excluding employees of the school department. In the event of conflict between a particular personnel rule or regulation and a collective bargaining agreement provision the collective bargaining agreement shall prevail.

1.1-3 Rules of Interpretation

(a) These bylaws are intended to be in accordance with all applicable state and federal laws. In the event of inconsistencies with the applicable state or federal law the applicable law or agreement shall apply.

(b) Words imparting the singular number may extend and be applied to several persons; words imparting the masculine gender shall include the feminine gender.

1.1-4 Definitions

The following definition shall apply:

(a) “town” shall mean the Town of Clinton.

(b) “employee” shall mean an employee of the town.

(c) “full-time employee” shall mean an employee working at least thirty-five (35) hours per week, exclusive of one-hour lunch.

(d) “permanent part-time employee” shall mean an employee working less than a full-time (35 hours) employee, provided, however only part-time employees working twenty hours or more per week shall be entitled to sick leave, vacation leave, holidays, bereavement leave, military leave, jury leave, maternity leave, leaves of absence and other benefits. Permanent part-time employees shall receive sick leave, vacation leave, holidays, bereavement leave, military leave, jury leave, maternity leave, leave of absence and other benefits on the same basis as full-time employees, provided, however, that such leave shall be pro-rated according to the number of hours or days of work per full-time week which such employee is required to perform. Notwithstanding any provision of this bylaw to the contrary, any employee employed

by the town upon the date of the adoption of this bylaw who works less than twenty hours per week shall continue to receive benefits that the employee currently receives so long as the employee remains in their present department and position.

(e) “temporary/seasonal employee” shall mean any employee retained for a fixed period of time not to exceed twelve (12) weeks to replace employees absent for extended periods or under special conditions caused by increased work load and shall not be entitled to benefits.

(f) “emergency employee” shall mean a non-competitive appointment to a position for a period of time not to exceed two (2) weeks to prevent stoppage of public business that was caused or may be caused by an emergency as declared by the board of selectmen. An emergency employee shall not be entitled to benefits.

(g) “appointing authority” shall mean any board or official authorized by General Law or otherwise to appoint employees.

(h) “department head” shall mean the individual responsible for supervising a department’s operations and activities. A department head may be an appointing authority.

(i) “continuous service” shall mean employment uninterrupted except by authorized leaves.

1.2 Administration

1.2-1 Establishment of a personnel Board

The Board of Selectmen shall appoint a personnel board consisting of five members for terms of three years so arranged that the term of as nearly an equal number as is possible expire each year.

The Board of Selectmen shall appoint a Personnel Board consisting of five members to be appointed for three year overlapping terms. Whenever possible, the Board of Selectmen will appoint members possessing a professional personnel background. Four members shall be registered voters in the Town of Clinton and the fifth member shall be a full time elected employee or an appointed employee under the jurisdiction of the Personnel Board. Members of the Personnel Board shall serve without compensation.

The initial personnel board established under this bylaw shall be appointed in such a manner so that the term of two members shall be appointed for terms of three years, two members shall be appointed for terms of two years and one member shall be appointed for a term of one year. Thereafter, as terms, members shall be appointed for terms of three years.

1.2-2 Responsibilities of the Personnel Board

The personnel board shall be responsible for the administration of the personnel system established by this bylaw including a classification and compensation plan and may make all necessary administrative rules and procedures to implement the provisions of this bylaw. The personnel board may appoint a person to act as their agent by delegating necessary powers, duties and responsibilities to such person in writing.

1.2-3 Responsibilities of Appointing Authorities and Department Heads

The personnel board may enforce provisions of this bylaw and all administrative rules and procedures adopted by the board and may nullify any personnel action accomplished by an appointing authority or department head which does not comply with provisions of the bylaw.

1.3 Personnel Records

1.3-1 Policy

The personnel board shall be responsible for establishing and maintaining personnel records as may be required by law, and as necessary for effective personnel management. All employees, appointing authorities, and department heads shall comply with and assist in furnishing records, reports and information as may be requested by the personnel board or the person or persons assigned responsibility for personnel administration.

1.3-2 Application

All non-union employees of the Town of Clinton, except elected officials.

1.3-3 Contents of Records

The personnel board shall maintain or cause to be maintained an individual personnel file for each employee which may include, but not be limited to the following: The employment application or resume; a copy of any documented reference checks and background investigation reports; a copy of any physical examination reports and health reports; a report of all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, or layoff. History of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary action, training records, performance evaluation, and other records that may be pertinent to the employee's employment record.

1.3-4 Confidentiality and Access to Records

Personnel records shall be considered confidential and access to records shall be limited to the personnel board, persons authorized by the personnel board to administer the personnel system, appointing authorities, and department heads (limited to employees they directly supervise). Any employee may upon request have access to their personnel file in the presence of the personnel board, the appointing authority or person appointed by the personnel board to administer the personnel system.

1.3-5 Location of Records

Records are required to be maintained under this bylaw shall be maintained within each departments administrative office until such time as the personnel board determines that centralization of all records is necessary and appropriate.

1.3-6 Release of Information

Unless written authorization is received from an employee, except to verify employment, no information concerning an employee shall be released.

Part 2 Pre-employment/Initial Employment

2.1 Recruitment and Appointment

2.1-1 Policy

The town shall make every effort to attract and employ qualified persons. Every person regardless of age, race, creed, color, nationality, religion, sex, handicap or sexual orientation applying for employment in the town will receive equal treatment.

2.1-2 Application

All employees of the town of Clinton, except persons employed in emergencies.

2.1-3 Recruitment

All department heads and appointing authorities shall be responsible for the recruitment and selection of personnel. The qualification and salary range for positions shall be established in accordance with the classification and compensation plans adopted by the personnel board.

(a) Notice of Vacancies

Department heads and the appointing authority shall, upon the identification of a vacancy or upon the authorization of a new position, prepare a job vacancy notice. The job vacancy notice shall be based upon the existing job description and include: the job title, major duties of the position, qualifications, salary, a closing date for applications and application instructions. Any new positions must be reviewed by the personnel board for classification, description and salary. Consistent with section 3.1-4 of this policy.

(b) Posting and Advertisement of Job Vacancy Notices

Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies. However, in all circumstances, department heads and appointing authorities shall ensure that: notices of vacant positions be posted for five (5) business days on the bulletin boards in prominent work locations (including, but not limited to, the town hall, public works facilities, the library, fire station and the police station). Job vacancy notices will be placed in a local newspaper for a minimum of two (2) days at least fourteen (14) days prior to the closing date for application.

(c) Application

All candidates applying for employment by the town of Clinton shall complete an official employment application form and return the form to the appointing authority prior to the closing date specified in the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature. All candidates who complete the employment application form accurately and honestly shall be entitled to a fair and equitable review of their qualifications.

(d) Examinations

The appointing authority may require an examination as one part of the selection process. Examinations may be written, oral, practical, physical or any combination thereof and shall be relevant to the requirements of the position.

(e) References

A candidate's former employers, supervisors and other references may be contacted as part of the selection process. References and other background investigations shall be documented and made part of the applicant's file. All reference checks and investigations shall be completed prior to the offer of employment.

(f) Application Records

The application documentation of reference checks and related documents submitted shall be maintained by the appointing authority or department head responsible for the employee's personnel file. Appointing authorities and department heads shall maintain application records for the period required by law. Appointing authorities, department heads, to the extent possible, shall maintain the confidentiality of all applications.

2.1-4 Offers of Employment

All offers shall be made in writing by the appointing authority. The written offer shall include the salary, the starting date and appropriate additional information. Copies of the offer letter shall be provided to the personnel board.

2.1-5 Medical Examination

All persons selected for employment with the town, after receipt of such offer of employment by the appointing authority and prior to the starting date of employment shall undergo a medical examination. The examination shall be at the expense of the town by a physician or medical institution selected by the personnel board. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is fit to perform the duties of the position for which application has been made. If deemed unfit to perform the duties of the position for which the application has been made, the appointing authority shall withdraw the offer or employment.

2.1-6 Failure to Report

An applicant who accepts an offer of employment and fails to report to work on the date set by the appointing authority, shall, unless excused by the appointing authority, be deemed to have declined the offer and the offer of employment shall be withdrawn.

2.2 Orientation/Probationary Period

2.2-1 Policy

Performance of all new employees must meet acceptable work standards. The probationary period shall be utilized to help new and promoted employees achieve effective performance levels. To ensure that new employees are aware of their duties and responsibilities appointing authorities shall inform the new employee of their rights, responsibilities, duties and obligations in writing. The appointing authority shall provide the employee with a copy of the personnel bylaw which should be read and signed acknowledging receipt of such.

2.2-2 Application

All full-time and part-time employees of the town of Clinton.

2.2-3 Probationary Period

All newly appointed and promoted employees shall be required to successfully complete a probationary period to begin immediately upon the employee's starting date or promotion date and to continue for a three (3) month period. The probationary period shall be used by the appointing authority and department head to observe and evaluate the employee's attitude, conduct and work habits. Upon expiration of the probationary period the appointing authority shall notify the probationary employee in writing that:

- (a) The employee's performance meets satisfactory standards and the individual will be retained in the position.
- (b) The employee's performance due to extenuating circumstances, require additional

observation and that the probationary period will be extended an additional period of time not too exceed three (3) months.

(c) The employee's performance, attitude, conduct was unsatisfactory and termination will occur.

The employee at any time during the probationary period may be removed by an appointing authority if it is revealed that the employee intentionally falsified information relating to the application for employment, was unable or unwilling to perform the required duties, or display conduct, habits or dependability which did not merit continuing the employee in the position. The employee shall be notified in writing of the reasons for the termination and the effective date of the action. The employee may not appeal the termination.

2.2-4 Department Head Responsibilities

Department heads shall provide on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures.

Department heads during the probationary period of any employee shall at reasonable intervals discuss work performance with the probationary employee. The department head shall be responsible for documenting these discussions.

Part 3 Compensation and Classification

3.1 Classification Plan

3.1-1 Policy

The town is to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equitable pay.

3.1-2 Application

All full-time and part-time employees.

3.1-3 Classification Plan Administration

The personnel board shall have responsibility for the administration of the classification plan and shall be authorized to: (a) complete studies of new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions; (b) provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification; (c) conduct periodic studies to insure the classification plan remains uniform and current; and (d) develop procedures to determine the proper classification of each position and classify positions.

3.1-4 Classification of New Positions

Appointing authorities proposing the creation of new positions shall provide the personnel board with a description of the duties, skills, knowledge, abilities and other work performance requirements of the position in sufficient detail to enable the personnel board to appropriately classify the position.

3.1-5 Reclassification of Positions and Periodic Reviews

Positions may not be reclassified without a review and approval of the personnel board. The board shall review all positions subject to the classification plan in accordance with proper personnel practices.

3.1-6 Classification Plan

The classification plan shall be adopted by the personnel board.

3.2 Compensation Plan

3.2-1 Policy

The intention of the town shall be to establish annually a compensation plan. The compensation plan shall consider: relative responsibilities between various positions; wage rates for comparative type of work; and economic conditions in the labor market. Employees shall be paid in accordance with the rates in the compensation plan. The personnel board shall be responsible for the administration of the compensation plan.

3.2-2 Application

All full-time and part-time employees.

3.2-3 Starting Rates for New Appointments

Persons appointed to positions shall be paid at the minimum rate provided, however, the appointing authority may recommend compensation at a higher rate on the basis of exceptional qualifications or a lack of qualified applicants available at the minimum rate. Such a request shall be made to the Town Administrator in writing, who may approve or disapprove the request.

3.2-4 Annual Performance Evaluations

The department head or appointing authority shall complete a performance evaluation for each employee within their department on an annual basis. This performance evaluation shall be submitted to the personnel board along with any merit increase recommendations by October 15th of each year. The department head or appointing authority shall review the performance evaluation with the employee before submitting it to the personnel board. Both the department head or the appointing authority and the employee shall sign and date the evaluation. The performance evaluation is intended to be used as a tool in determining merit increases and also as a tool for improving communication between the department head and employee. It should be used to set goals and making plans to achieve said goals for the year. The performance evaluation is to include but is not limited to the following information:

- (a) attendance
- (b) attitude
- (c) quantity of work
- (d) quality of work
- (e) achievements
- (f) areas of improvement since last evaluation
- (g) areas that need to be improved and how the department head intends to help the employee achieve the needed improvements
- (h) any new skills or education the employee has acquired since the last evaluation
- (i) an overall summary by the department head
- (j) comments and any additional information the employee wishes to add.

3.2-5 Merit Increases

An employee shall be eligible for merit advancements after the completion of each year of satisfactory service until the maximum rate is reached. The personnel board shall develop an administrative procedure for the granting of the annual merit increase, this procedure shall govern the granting of all merit increases.

3.2-6 Promotion

An employee who receives a promotion shall be compensated at the starting rate of the new position unless it is less than the employee's current rate in which case the rate of pay will be determined by the appointing authority based on the employee's qualifications and performance, subject to approval of the personnel board.

3.3 Overtime

3.3-1 Policy

The town shall pay overtime after 40 hours, excluding lunch and break periods, which is in conformance with the Fair Labor Standards Act (FLSA). Department heads shall be responsible for the control and authorization of overtime. At the option of a department head compensatory time may be provided in conformance with the FLSA. All compensatory time must be approved by the Department head. Salaried Department heads shall not be entitled to compensatory time.

3.3-2 Application

All employees of the town of Clinton.

Part 4 Standards of Conduct/Disciplinary Procedure

4.1-1 Policy

Town employees shall avoid any action which 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 conduct themselves in a manner in which no way discredits the town, public officials or fellow employees.

4.1-2 Application

All employees.

4.2 Disciplinary Policy

4.2-1 Policy

All employees are responsible for observing regulations necessary for proper operation of town departments. Disciplinary actions shall be the responsibility of supervisors, department heads and appointing authorities, who shall exercise the responsibilities with discretion and with concern for the employee.

4.2-2 Application

All employees.

4.2-3 Reasons for Disciplinary Action

Disciplinary action may be initiated for failure of an employee to fulfill responsibilities

as an employee. Sufficient cause for disciplinary action shall include, but is not intended to be limited to the following:

- (a) Incompetence or inefficiency in performing assigned duties.
- (b) Refusal to perform a reasonable amount of work or violation of any reasonable directions made by a proper supervisor.
- (c) Habitual tardiness or absence from duty.
- (d) Falsification of time sheets.
- (e) Use or possession of illegal narcotics or alcohol while on duty.
- (f) Misuse or unauthorized use of town property.
- (g) Fraud in securing appointment.
- (h) Disclosure of confidential information.
- (i) Abuse of sick leave or absence without leave.
- (j) Conviction of a felony.
- (k) Violation of safety rules, practices and policies.
- (l) Engaging in sexual harassment.
- (m) Any situation or instance of seriousness that disciplinary action is warranted.

4.2-4 Disciplinary Procedures

Department heads and supervisors shall be responsible for enforcing rules and regulations. The type of disciplinary action imposed is at the discretion of the appointing authorities and department heads and is dependent upon the nature of the disciplinary violation. Disciplinary action shall include only the following: oral reprimand, written reprimand, suspensions and discharge. A copy of all reprimand, suspensions and discharges shall be sent to the personnel board.

(a) Oral reprimand

A department head observing action of an employee warranting disciplinary action may issue an oral warning to the employee. The oral warning shall be presented with maximum regard for minimizing embarrassment to the employee and may include a statement concerning the purpose of the warning. An oral reprimand shall be noted in the employee's personnel file and shall remain in the employees personnel file for not longer than ninety (90) days from the date given. After ninety (90) days if the behavior is still a problem another oral warning or written warning should be given.

(b) Written reprimand

The department head may issue a written warning including reasons for warning and an offer of assistance on the part of the department head in correcting the unsatisfactory situation. A copy of the written warning shall be placed in the employee's personnel file and carries a specified period in which the behavior shall be improved. A written reprimand must be presented by the department head or appointing authority to the employee verbally and in writing. The employee must sign the written reprimand acknowledging receipt of the reprimand and the employee may add any comments or concerns regarding the reprimand to the written reprimand at that time.

(c) Suspension

At the discretion of a department head and with sufficient cause a department head may suspend an employee without pay for a period or periods not to exceed twenty (20) working days in any twelve (12) month period. Suspension may be in lieu of oral reprimand, written reprimand and disciplinary probation and may be effective immediately. Within forty-eight (48)

hours of the effective date of the suspension the employee shall be provided with a written notice stating the reasons for and the length of the suspension.

(d) Discharge

An employee may be discharged for unsatisfactory job performance, violation of town regulations, or after the exhausting of other disciplinary procedures. The department head shall provide the employee with a written notice stating the reason or reasons for the discharge and the effective date of the discharge. All discharge must be submitted to and approved by the personnel board prior to notification of the employee.

4.3 Grievance Procedure

4.3-1 Policy

The intent of this grievance procedure is to reconcile employee grievances in an appropriate and effective manner. Participants in the grievance are expected to act appropriately and respect the grievance process.

4.3-2 Coverage

All employees of the town of Clinton.

4.3-3 Grievance Procedure

Any employee subject to disciplinary action or otherwise alleging wrongfully treatment under the provisions of this policy who has completed his or her probationary period shall be entitled to utilize the following procedure:

(a) First Step

An aggrieved employee shall discuss any matter of dispute with an immediate supervisor in a mutual effort to resolve any problem or misunderstanding. Failing to resolve any grievance in an informal manner an aggrieved employee may present a grievance in writing to a department head along with any pertinent information relating to the grievance and indicating the relief that is desired. Generally grievances should be filed within thirty (30) days of the incident. This is not intended to limit the employee rights to bring grievance at a later date under extenuating circumstances. The department head within ten (10) working days of receipt of a grievance shall provide an answer in writing to the aggrieved employee. If the immediate supervisor and the department head are the same, the employee may follow procedures set forth in subsection (b) below.

(b) Second Step

If the grievance has not been resolved as provided in (a) above the aggrieved employee may within ten (10) working days after receipt of the written answer from the department head or within ten (10) working days after presentation of the grievance to the department head present the grievance in writing to the employee’s appointing authority. If the appointing authority and the department head are the same then the employee shall immediately follow procedures set forth in subsection (c) below. The appointing authority shall schedule a hearing on the grievance and shall answer the grievance within twenty (20) days after its receipt.

(c) Third Step

If the grievance has not been resolved as provided in (b) above the aggrieved employee may within ten (10) working days after receipt of the written answer from the appointing

authority present the grievance in writing to the personnel board. The personnel board shall schedule a hearing on the grievance and shall answer the grievance within twenty (20) days after its receipt. An employee shall have the right to be present, to present information and be represented by counsel at any hearing. The decision of the personnel board shall be final.

Part 5 Benefits

5.1 Holidays

5.1-1 Application

All full-time and part-time employees of the town of Clinton.

5.1-2 Recognized Holidays

The following holidays shall be recognized by the town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days employees, without the loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential town services:

- New Year’s Day
- Martin Luther King Day
- Presidents Day
- Patriots Day
- Memorial Day
- Juneteenth Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

5.1-3 Terms of Holiday Pay

Holiday pay shall be granted as follows:

An employee paid on an hourly basis shall receive one days pay at the regular rate based on the number of hours regularly scheduled on the day on which the designated holiday occurs. If the number of hours worked varies, the amount of holiday pay to which an employee is entitled shall be determined by the employee’s appointing authority.

Holiday pay shall be granted to an employee provided that the employee shall have worked on the last scheduled day prior to, and the next regularly scheduled work- day following such holiday, or was appropriately excused.

5.2 Vacation Leave

5.2.1 Application

All full-time and part-time employees of the town of Clinton.

5.2-2 Accrual of Vacation

Vacation leave shall be granted on a fiscal year (July 1 to June 30) basis, based on the continuous service of an employee as of the beginning of a fiscal year in accordance with the following schedule:

(a) An employee in continuous service of the town for five (5) years or less at the beginning of any fiscal year (July 1) shall be entitled to ten (10) days of vacation leave with pay, provided, however, an employee with less than one year of continuous service shall accrue vacation at the rate of one (1) day of vacation leave per month up to a maximum of ten (10) days for the first year of service. Vacation leave shall begin to accrue at the end of the first full month of employment.

(b) An employee having completed five (5) years of continuous service as of the beginning of a fiscal year shall be entitled to fifteen (15) days vacation with pay.

(c) An employee having completed twelve (12) years of continuous service as of the beginning of a fiscal year shall be entitled to twenty (20) days vacation with pay.

(d) An employee having completed twenty (20) years of continuous service as of the beginning of a fiscal year shall be entitled to twenty-five (25) days vacation pay.

5.2-3 Scheduling

Vacation leave shall not be permitted to accumulate from year to year and must be taken in the fiscal year following the year for which it was earned. Vacation leave shall be authorized by department heads at such times, in the opinion of the department head, as to cause the least interference with the performance of regular work of the town. Vacation leave shall not be unreasonably denied. Vacation leave may be granted in increments or not less than one-half of a work day.

5.2-4 Termination

Whenever employment is terminated by dismissal through no fault or delinquency on the part of the employee, or by retirement, or entrance into the military, the employee shall be paid an amount equal to the vacation allowance as earned and not granted in the vacation year prior to such termination. In addition, payments shall be made for that portion of the vacation allowance earned in the vacation year during which termination occurred up to the time of the employee's separation from the payroll.

5.2-5 Death

Whenever employment is terminated by death, the estate of the deceased shall be paid an amount to the vacation allowance accrued in the vacation year prior to the employee's death but which had not been taken by the employee. In addition, payment shall be made for the portion of the vacation allowance earned in any vacation year during which the employee died up to the time of the employee's separation from the payroll.

5.2-6 Holiday While on Vacation

An employee shall be granted an additional day of vacation, if while on vacation leave a designated holiday occurs.

5.3 Sick Leave

5.3-1 Application

All full-time and part-time employees of the town of Clinton.

5.3-2 Accumulation

An employee who has completed thirty (30) days of service shall accumulate one (1) ½ day of sick leave per month and thereafter, shall be allowed leave of twelve (12) days of sick leave for each year of service.

Sick leave may be granted increments of not less than two (2) hours.

Sick leave shall accumulate from year to year to a maximum of two hundred and forty (360) days.

5.3-3 Use of Sick Leave

Sick leave shall be granted to an employee only when the employee is incapacitated from the performance of duties by personal sickness, injury or by exposure to contagious disease.

Injury, illness, or disability, self-imposed or resulting from the use of alcohol or drugs, may not be considered proper claim for leave under this section.

An employee may use up to ten (10) days of accumulated sick leave per year for serious family illness.

5.3-4 Termination of Employment

Whenever termination of employment occurs payment or nonpayment of accumulated sick leave will be determined as follows:

(a) In cases of involuntary termination, the employee shall not be entitled to payment of accumulated sick leave.

(b) In cases of voluntary termination, an employee with less than twenty (20) years of continuous service, shall not be entitled to compensation of accumulated sick leave.

(c) In cases of voluntary termination of an employee with twenty (20) years or more of continuous service shall receive compensation at the rate of twenty (20) percent of accumulated sick leave.

(d) In cases of termination of employment due to death the employee's estate shall be compensated at the rate of twenty (20) percent of accumulated sick leave.

5.3-5 Authorization of Sick Leave

Sick leave shall be authorized by a department head. Notification of illness shall be made to the employee's supervisor, if possible, prior to starting time or as soon as practical thereafter. The department head may require a physician's certificate or illness after five (5) consecutive days of sick leave or upon a pattern of sick time use which causes suspicion of abuse.

5.4 Bereavement Leave, Jury Leave, Leaves of Absence, Military Leave, Personal Leave

5.4-1 Application

All full-time and part-time employees of the town of Clinton.

5.4-2 Bereavement Leave Policy

Emergency leave up to three (3) work days may be granted for a death in the employee's immediate family. Immediate family includes wife, husband, mother, father, child, brother, sister, mother-in-law, father-in-law, grandparent or anyone living in an employees

household.

5.4-3 Jury Leave Policy

Upon application and presentation of an affidavit of jury pay granted, employees called for jury duty shall be paid for the amount equal to the difference between the compensation paid for the normal working period and the amount paid by the court excluding allowances for travel.

5.4-4 Military Leave Policy

Employees shall be paid the difference between compensation received while on temporary summer or like period of training in the military forces of the nation of the Commonwealth for a period not to exceed fifteen (15) days in any twelve (12) month period (fiscal year), provided, however, payment shall not be made to members of the National Guard when mobilized during an emergency in the Commonwealth.

5.4-5 Leaves of Absence Policy

Appointing authorities may, at their discretion, grant leaves of absence without compensation for periods not exceeding thirty days duration without loss of seniority or benefits and employees shall be entitled to return to the same position held at the time the leave of absence was granted.

5.4-6 Personal Leave Policy

Persons employed by the town at the beginning of each fiscal year (July 1) shall be credited with three (3) days personal leave which may be taken during the fiscal year at a time or times requested by the employee and approved by the employee’s department head. Any personal leave not used by an employee as of the end of the fiscal year (June 30) will be forfeited by the employee. Personal leave may be granted in increments of not less than one-half of a work day.

5.5 Parental Leave

5.5-1 Application

All full-time and part-time employees of the town of Clinton who have successfully completed the required probationary period.

5.5-2 Policy

Parental leaves shall be granted to an employee for a period not to exceed twelve (12) week for the purpose of child birth or adoption of a child. The employee shall notify the appointing authority at least two weeks prior to the anticipated date of departure and of the intention to return. The employee shall be restored to the same or similar position with the same status, pay, and seniority as of the date of the leave.

Any compensation will be based on accumulated leave time at the request of the employee.

5.6 Contributory Life and Health Insurance

5.6-1 Application

All employees of the Town of Clinton who work 20 hours or more a week.

5.6-2 Policy

The town shall pay fifty (50) percent of the cost to insure the employee and their dependents as the town's contribution for contributory group health insurance. The employees shall pay the remaining (50) percent of the premium cost. The town shall pay (50) percent of the cost to insure the employee for contributory group life insurance. The employee shall pay the remaining (50) percent of the premium cost.

ACKNOWLEDGMENT OF RECEIPT OF THE TOWN OF CLINTON PERSONNEL BY-LAWS

I acknowledge the receipt of the Town of Clinton Personnel By-Law and I understand my rights and duties as an employee in the Town of Clinton.

Employee Name (Print)

Employee Signature

Date

Witness

Date