



City of Melrose

Welcome! We are pleased that you have become an employee of the City of Melrose.

As a Municipal Employee, you have chosen work that is both rewarding and, at the same time, extremely visible. The functions that you perform on a daily basis uniquely impact the quality of life in Melrose.

“The importance of quality customer service in local government can’t be overstated, because any given citizen only periodically comes into contact with government employees, those few experiences greatly influence that citizen’s perception of the quality of all local government services.”

*This **Employment Manual** is intended to be a general guide to the employment policies of the City of Melrose for all City Departments except the School Department. Employees in the Melrose Public Schools should refer to their collective bargaining agreements or school personnel policies for specific information about their employment.*

Please take time to read this Manual. The Human Resources Department will, from time to time, provide updates for specific sections of the Manual.

Updated: October, 2020

DISCLAIMER

This *Employment Manual* is intended to be a general guide to the employment policies of and benefits applicable to the City of Melrose employees. You should refer to it when questions arise about City employment.

By preparing this Manual, the City of Melrose does not intend to create a contract of employment between the City and any of its employees and no part of this Manual should be considered a contract with the City. Employees who are not union members, who are not part of the Civil Service System, or who do not have contracts with the City, are employees at will, and may either decide to leave the City's employ or be terminated at any time and for any reason.

In addition, by preparing this Manual, the City of Melrose does not intend to modify the terms of any individual employment agreement or collective bargaining agreement. If you have an employment agreement or are a union member, you should also refer to your contract for guidance about the terms and conditions of your employment.

The City reserves its right to amend, modify, suspend, change, or cancel the terms of this Manual, in whole or in part, at any time, in its sole discretion. Revisions to the Manual will be distributed by the City, but it is the employee's responsibility to ensure that his/her Manual is kept up to date. The enclosed material supersedes any policies or manuals previously distributed.

Employees covered under a specific Collective Bargaining (Union) Agreement should consult their respective agreements as it may relate to the Employment Manual.



Jen Grigoraitis
Mayor

CITY OF MELROSE

OFFICE OF THE MAYOR

City Hall, 562 Main Street
Melrose, Massachusetts 02176

Message from Mayor Jen Grigoraitis

Welcome to Melrose! I am thrilled that you have chosen to join our city's team of dedicated municipal professionals. We look forward to working with and learning from you as we deliver services to this great community.

I believe government has a role in helping everyone improve our futures, and I believe that collectively we can do more than we can individually. I see our staff's commitment to public service as an opportunity to try to do better for everyone, with integrity, inclusivity, and accountability always at the center of our work.

Thank you for being a part of meeting the needs of Melrose's present and shaping Melrose's future.

Best,
Mayor Jen

DEFINITIONS

Appointing Authority

The person or officials authorized by law to make appointments and dismissals. In the City of Melrose, the Mayor is the sole appointing authority.

Exempt Position

Those employees of the City who are exempt from overtime payments pursuant to M.G.L. c. 151, Section 1A and/or Section 13(a)(1) of the Fair Labor Standards Act as defined by Regulations, 29 CFR Part 541.

Examples of such employees generally include certain department heads, managers, professional, computer and administrative employees who are compensated on a salary basis.

Non-Exempt Position

All City employees not classified as exempt, seasonal, temporary, intermittent or contract employees.

Full-Time Employee

An employee who works a regularly scheduled minimum of thirty (30) hours or more hours per week and has definite assigned responsibilities.

Part-Time Employee with Benefits

An employee who works on a regularly scheduled minimum of twenty (20) hours per week (1,040 annually) but less than thirty (30) hours per week and has definite assigned responsibilities. These employees are granted holiday pay, vacation pay and sick pay on a pro-rata basis, as determined by the number of regularly scheduled hours compared to the normal work week in his or her given department. These employees are eligible for group health and other benefits.

Part-Time Employee without benefits

A part-time employee is an employee who is scheduled eighteen (18) hours or less per week regularly. These employees are not entitled to holiday pay, vacation pay, sick pay, group health insurance or any other benefits.

Seasonal, Temporary, Intermittent, or Vendor

An employee who is serving in a position for a specified period of time or completing a specific project. These employees are not entitled to holiday pay, vacation pay, sick pay, group health insurance or any other benefits regardless of the number of hours worked per week unless, in the case of a contract employee, it is explicitly provided pursuant to his or her contract.

CITY HISTORY

The history of Melrose, Massachusetts begins with the settlement of Mishawum, later Charlestown, in 1629. In 1633 all the territory north of the Mystic River was granted to Charlestown and was known as Mystic Side. In 1640 Mystic Side was set off from a separate town in May 1649. The Melrose area was then known as Malden North End and later as North Malden.

The territory was sparsely settled until the Boston and Maine Railroad began operations in July 1845, which soon brought in many residents. At that time, Maple Street was the center of communal activities and was known as the "Village."

As the activities of the village were so distinct from the center of Malden, the residents petitioned the General Court of Massachusetts for incorporation as a town, and with the support of the Malden voters this was accomplished and the Town of Melrose was incorporated May 3, 1850. A petition to the General Court for incorporation as a City was done by Act of March 18, 1899. This was accepted at a town meeting held on May 8 and the election of city officials took place on January 1, 1900.

The City Charter provided for the administration of all fiscal, prudential and municipal affairs, with the government thereof, except the affairs of the public schools, to be vested in an executive department consisting of Mayor and a legislative department consisting of a City Council.

GOVERNMENT

The City is divided into seven wards with one Councilor representing each ward plus four Councilors-at-Large for a total of eleven. The Mayor is elected for a four year term and the Councilors are elected for two-year terms.

SCHOOL COMMITTEE

Members of the School Committee are elected for four-year terms at the same time as other City officials. The Mayor is a member of the Committee, and the Committee selects its own Chairperson and is responsible for appointing a Superintendent of Schools.

CITY OF MELROSE STANDARDS FOR CUSTOMER SERVICE

“The importance of quality customer service in local government can’t be overstated, because any given citizen only periodically comes into contact with government employees, those few experiences greatly influence that citizen’s perception of the quality of all local government services.”

Customer Service is everyone’s responsibility, not just those who staff the front information desks. Every time we interact with an individual, answer the telephone, send an email, write a letter, or attend a meeting, we are making an impression on our customers – whether they are citizens, visitors, people working in Melrose, people working with our staff on a project, or even City employees. These customer service standards were created for employees to follow to ensure that the quality of service to all of our customers meets or exceeds their expectations.

All new employees will be introduced to these standards as part of their orientation program.

GUIDING PRINCIPLES

- We are a dedicated organization committed to enhancing the quality of life in Melrose by providing premium services in response to the needs of everyone who lives, works and visits our City.
- Customer Service is the reason for our existence as a city government. Our customers have the right to respect, safety, appropriate assistance, honesty, and competency regardless of age, ancestry, color, creed, disability, marital status, national origin, presence of children, race, gender, or sexual orientation.

Standards covering all Customer Service Interactions, *Customers have a right to expect...*

- Courtesy, respect, honesty and professionalism
- That the staff person will listen to their request/question, ask for clarification if necessary and provide complete knowledgeable, accurate, precise information regarding their inquiry.
- The staff person will make a reasonable effort to provide information about the City and, as appropriate, other outside agencies related to their department’s function.

Telephone/Voicemail, *Customers have a right to expect...*

- Telephones will be answered promptly (within three rings) whenever possible. We prefer a person, not a voicemail, will answer the department main number whenever possible.
- Calls will be answered in a courteous manner (with a smile).

- Employees will:
 - Listen and understand the nature of requests before transferring a call;
 - Inform callers to whom they are being transferred along with the telephone number and department of the person.
 - Explain that they cannot assist if unable to do so, offer to take a message and ensure that the caller receives a return call within 24 hours (during business hours).
 - Provide the caller with the option to go to voicemail or leave a message before transferring a call.
 - Acknowledge voicemail messages within 24 hours on regular business days.
 - Keep their outgoing voicemail greeting current by notifying the public; when out of the office, and offering an alternative number for customers to call.

In Person, Customers have a right to expect...

- A timely and courteous acknowledgement, such as eye contact or a positive indication that the employee knows they are there, especially if the employee is on the telephone or with another customer.
- That each main informational counter will be staffed during business hours or, if staff is unavailable, will have signage referring them to the appropriate department.

In Person Contacts with Field Personnel, Customers have a right to expect...

- When a resident approaches a City employee who is doing work in the field, whenever possible staff will attempt to answer the question if it pertains to the employee's duties, or if the employee knows the answer.
- If a question pertains to an area outside of the employee's scope of duties or department, the employee will explain this, and will provide the resident with helpful numbers. This will provide the resident with the correct information they need to contact the department that can their question.
- If the employee cannot answer the question and it is related to their duties, employees' will offer the option to the resident of contacting a supervisor, so that supervisor can speak to the resident either by phone or by coming to meet the resident in person.
- If employees are speaking with a resident who wants to make an inquiry to the Public Works Tremont Street Operations Center, they should inform them that Offices are staffed and phone lines are answered between the hours of 7:00 AM to 4:00 PM. All crews generally work a 7:00 AM to 3:00 PM schedule.

Table of Contents

Section		Page
	<i>Welcome</i>	<i>Intro</i>
	<i>Disclaimer</i>	
	<i>Message from Melrose's Mayor</i>	
	<i>Definitions</i>	
	<i>City History</i>	
	<i>Standards for Customer Service</i>	
1.	Employment Practices	1
	A. Probationary Period	1
	B. Hiring Rate and Wage Progress	1
	C. Personnel Matters	2
	D. Personnel Files	2
	E. Work Week/Overtime	3
	F. Compensatory Time	3
	G. Payroll Information	<u>5</u>
	H. Tobacco Use Policy	5
	I. Drug, Marijuana and Alcohol Free Workplace Policy	5
	J. Workers' Compensation	7
	K. Workplace Safety	7
	L. Use of City Vehicles and Mileage Reimbursements	8
	M. Equal Employment/Affirmative Action	8
	N. Americans with Disabilities Act	8
	O. Harassment Prevention Policy	9
	P. Performance Management	11
	Q. City Property	13
	R. Weapons and Violence Free Workplace	13
	S. References and Recommendations	14
2.	Paid Time Off Accruals/Leaves	14
	A. Vacation	15
	B. Holidays	16
	C. Leaves	17
	Sick Leave	17
	Sick Accruals	17
	Sick Leave Bank	18
	Sick Leave Incentive	19
	Cancer Screening Leave	20
	Organ Donor Leave	20
	Personal Leave	20
	D. Family and Medical Leave Act	21

Section	Page
E. MA Pregnant Worker’s Fairness Act	23
F. Parental Leave	23
G. Bereavement Leave	24
H. Military Leave and Training	25
I. Jury Duty and Court Leave	25
J. Small Necessities Leave Act	26
K. Domestic Leave	27
3. Fringe Benefits	30
A. Health Insurance	30
B. Life Insurance	30
C. Section 125 - Cafeteria Plan	31
D. COBRA	31
E. Retirement Benefits	32
F. Credit Union	32
G. Longevity Compensation	33
H. Flexible Spending Account	33
4. Other City Employee Considerations	34
A. Conflict of Interest	34
B. CORI Policy	35
C. Sensitive and Personal Information	36
D. Acceptable Use for Information Technology	37
E. Social Media Policy	42
F. Dress, Appearance, Fragrance in the Workplace	48
Acknowledgement Receipt	51

SECTION 1. EMPLOYMENT PRACTICES

The City of Melrose considers each employee it's most valuable asset. The City's overriding goal is to hire and employ great people and to live up to its motto "*Melrose: One Community Open to All*". This motto represents who we are, what we believe and what we value. Melrose honors and celebrates diversity while encouraging unity and respect. As an employer, the City recognizes the unique journey each individual is on, and through hiring diverse talent aims to enhance its cultural lense and consciousness. The City aspires to understand, accept, and value the uniqueness of each individual, both their visible and hidden traits – including but not limited to race, ethnicity, gender, religious beliefs, age, disability, veteran status, sexual orientation, gender identity and personal experience. Through equitable and transparent employment policies and practices, meaningful inclusion opportunities, and respect, the City strives to create an environment where employees of all backgrounds can succeed and thrive while providing citizens of all backgrounds with first rate municipal services. Building a resilient and healthy workforce and community will ensure the City is able to successfully meet the challenges of the future.

A. PROBATIONARY PERIOD

All new employees, whether full-time or part-time, must serve a six (6) month probationary period. The probationary period is designed to allow the employee and his/her supervisor to determine if the position is one for which the employee is well suited. The probationary period may be extended by the Department Head, up to a maximum of nine (9) months,

Probationary Period Appraisal

Supervisors will conduct a Probationary Period Review with newly hired employees, prior to the six month anniversary. The purpose of the review is to clarify expectations, give feedback and provide direction. The Probationary Period Appraisal Form will be filed in the employee's personnel file.

Those employees with service longer than six months, who are promoted or transferred into a new role, shall also have a probationary period in the new position to allow the employee and his/her supervisor to determine if the position is one for which the employee is well suited.

Probationary employees may be disciplined, discharged or otherwise terminated at the sole discretion of the Employer, and any such action shall not be subject to challenge. Union members should consult with their contracts for probationary period policies. Employees transferring from one department to another are not subject to an additional probationary period. However, a break in service during a probationary period extends the period by the length of the break.

B. HIRING RATE AND WAGE PROGRESS

The hiring rate for non-union employees shall be set at the time the new employee is hired, and generally begins in the step 1 through 4 rate range. Union members should consult with their respective contracts for the appropriate salary plan and hiring rate.

If an employee is hired at Step 1, at the end of the six (6) month probationary period, the employee may advance one step rate; provided that the employee's Department Head concurs that his/her performance warrants it. The employee is then eligible for a step increase one year from their six month anniversary date thereafter.

In the event an employee starts above step 1 for his/her position, no increase in salary will be considered until one year after the employee's start date. Annually thereafter, the Department Head will review the employee's performance to determine whether a step increase is warranted.

This shall not apply in the case of transfer or promotion from one job to another. If the employee is transferred or promoted at step one they shall progress to the next compensation step one year after the transfer or promotion, provided that the employee's Department Head concurs that his/her performance warrants it.

C. PERSONNEL MATTERS

All new employees must meet with the Human Resources Department to complete required paperwork.

Benefit Eligible employees:

- Obtain a Group Health Insurance folder. Any questions regarding health should be directed to the Human Resources Manager.
- Obtain information about the Section 125 - Cafeteria Plan. This is a pre-tax benefit plan for employees who are enrolled in one of the City's health insurance plans.
- Enroll in the Retirement System of the City of Melrose. Please note that Employees of the City are not covered by Social Security. Visit the Retirement Office to enroll.
- Learn about and enroll in the available Basic and Voluntary Life Insurance plans.
- Learn about and enroll in Dental and Disability Insurance
- Learn about and enroll in the Deferred Compensation Program
- Sign-up for Direct Deposit of your paycheck.

The following forms must also be filled out by Part-time Employees who are not eligible for benefits:

- Complete an Employment Eligibility Verification I-9. A Passport or two of the following forms of identification is required: Birth Certificate; a valid Drivers License; Original Social Security Card or Alien Registration Card to prove eligibility to work in the United States.
- Fill out the State and Federal Tax Withholding Forms for payroll deductions.
- Sign-up for O.B.R.A., an alternative retirement plan for employees who are not eligible for the City Retirement System. **This is mandatory and is required by the Omnibus Budget and Reconciliation Act of 1990.**

D. PERSONNEL FILES

Personnel Files are maintained by the Human Resources Department for all employees except School employees. These files will include your employment application; copy of

your resume; salary changes and similar documents related to your employment with the City.

You are by law entitled to see your personnel file. Should you desire to see your file, please put the request in writing and give the Human Resources Office at least five (5) days notice if you wish to review or obtain a copy of your records.

Information only as it relates to an employee's employment or status and/or length of employment will be given to outside sources, i.e. financial or lending institutions. The City will only give out personnel information which is accessible under the Massachusetts Public Records Law (M.G.L. c.4, Paragraph 7(26)(a)-(m)). Other information will only be divulged if the furnishing of such information is authorized in writing by the employee, or is ordered to be released by a court of competent jurisdiction.

E. WORK WEEK/OVERTIME

City Hall is open Monday through Thursday, 8:30 a.m. to 4:00 p.m. and Friday 8:30 – 12:30 p.m. The Department Head determines the schedule that best meets the needs of the office.

Generally, City Hall employees are classified as either exempt or non-exempt, in accordance with the parameters of the Fair Labor Standards Act. Generally speaking, non-exempt employees are entitled to be paid at time and one-half for all hours actually worked in excess of 40 in a given work week. Exempt employees are generally paid a set salary and not entitled to overtime. Additionally, Public safety employees shall be compensated for overtime, depending on their work schedule, in accordance with the requirements of the Fair Labor Standards Act.

Nonexempt employees are entitled to overtime compensation, paid at time and one-half rate, for all hours physically worked in excess of 40 in a single work week, as long as the employee has not used time for personal reasons (i.e., sick time, vacation time, personal or holiday leave)

Employees covered under specific Collective Bargaining (Union) Agreements should consult their respective agreements relative to determine work hours requirements.

F. COMPENSATORY TIME

Exempt Employees

Under the law, those individuals employed in a bona fide executive, administrative, or professional capacity are exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act ("Act"). As a result, exempt employees are not entitled to either overtime pay or compensatory time pursuant to the Act.

Non-Exempt Employees

Under law, non-exempt employees covered by the Act must receive overtime pay for hours worked over 40 in a workweek at a rate not less than time and one-half of their regular rates of pay. The Act does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, unless overtime is worked on such days. In

accordance with the Act, different overtime requirements apply to certain individuals employed in a public safety capacity for the City of Melrose.

Non-Exempt Employees Compensatory Time Off

When non-exempt employees are required to work beyond the time it normally takes them to complete their job responsibilities, non-exempt employees shall be allowed to apply for reasonable compensatory time off subject to this Policy during such times as their Department Head reasonably determines will not adversely impact City operations.

Compensatory time is not an entitlement. It is expected that non-exempt employees will extend the time to accomplish the usual tasks required of their position in a timely and efficient manner. Non-exempt employees shall be allowed to accumulate and use Compensatory time on a case-by-case basis as determined by their Department Head.

Maximum Time Off for Non-Exempt Employees

Compensatory time is not guaranteed and will not be granted on an hour-for-hour basis for time worked over 40 hours. The purpose of this Compensatory Time Policy is to allow time to offset the extraordinary time put in during peak and exceptional workload periods. Compensatory time taken will be limited to 14 hours within a calendar year except for unusual circumstances approved by the individual Department Head.

Procedural Rules

- When an eligible non-exempt employee works an unusual amount of time within a pay period, he/she shall submit a written summary of these hours to his/her Department Head for approval to be accrued as earned Compensatory Time, within the same pay period the employee believes this to have been earned. The signature of the employee's Department Head on the payroll time sheet will show that the earned Compensatory Time has been approved.
- If approved, the eligible **non-exempt** employee must use earned Compensatory time within thirty days of accruing the time. Compensatory time may not be "banked" and used as vacation time.
- Prior to using earned Compensatory Time, the **non-exempt** employee must request approval from his/her Department Head to use the earned Compensatory Time on specific dates. The signature of the employee's Department Head on the payroll time sheet will show that the use of Compensatory Time has been approved. In the absence of an employee's Department Head, the Mayor or Human Resources Director may approve compensatory time requests.
- The Department Head is required to track compensatory time and must make every effort to properly record the Compensatory Time hours earned and used based on the payroll sheets submitted, but it is the employee's responsibility to notify the Human Resources Department of discrepancies within 30 days of the receipt of the pay slip in question.
- Compensatory time may not accrue from year to year and must be used within thirty days of performing the Extra Work. If an employee terminates employment, and still has compensatory time on his/her record, it is the Department's responsibility to fund the extra salary and wages.

Examples Which May Cause Extra Time to be Expended:

- Blizzards, Extreme Storms or Continuous Storms over Several Days
- Exceptional Demands on City Services such as unusual or exceptional work load due to major or simultaneous projects
- Unusual Demand for Special Reports to the State
- Establishment of New Procedures
- Late Tax Billing

G. PAYROLL INFORMATION

Most employees are paid weekly by direct deposit for the period covering the previous work week. City Hall employees, however, are paid for the current week in which they are working. Direct deposit is required upon hire for employees including non-union employees and Board Members. Employees covered under a specific Collective Bargaining (Union) Agreement should consult their respective agreements for provisions relative to this section.

Pay checks will reflect payroll deductions, including federal income tax, state income tax, group health insurance deductions, basic and voluntary life insurance deductions, credit union deductions and retirement deductions. For employees hired after April 1, 1986, there is an additional deduction for federal Medicare.

Please contact the Human Resources Office to have your paycheck directly deposited into your bank.

H. TOBACCO USE POLICY

In compliance with the MA General Laws, the City of Melrose is committed to providing a safe and healthy workplace and to promoting the health of its employees and residents. Therefore, use of tobacco products is not allowed inside of or within twenty five (25) feet of all City of Melrose properties. Tobacco products include, but are not limited to, lit cigarettes, lit cigars, lit pipes, chew less tobacco, E-cigarettes and any other product containing tobacco or tobacco-like products. This policy applies to: public or private buildings occupied by city employees; all city sponsored off-site conferences or meetings; all vehicles owned or leased by the City; all visitors (citizens, contractors and vendors) to city premises; all full-time, part-time and temporary employees.

I. DRUG, MARIJUANA and ALCOHOL FREE WORKPLACE POLICY

The purpose of this policy is to ensure the safety of the public and all employees and to maintain a safe, and productive work environment by preventing accidents or other dangerous incidents that may result from drug, marijuana or alcohol use. The possession, use or sale of alcohol, marijuana, legal or illegal drugs on City premises during work hours is strictly prohibited.

Employees are prohibited from reporting to work under the influence of alcohol, marijuana or drugs. An employee who is taking a prescription drug may be required to present a statement to their supervisor or the Human Resources Department from the prescribing physician that the prescription drug will not impair the employee's work performance if the employee fills a safety-sensitive position.

The City will require drug testing of applicants for employment in safety-sensitive positions. Any applicant who refuses to submit to the test will no longer be considered eligible for employment.

DISCIPLINE: Employees found to be in violation of this policy by either directly possessing or using alcohol, marijuana or drugs, as described above, or through a verified positive drug test or by court conviction, may be subject to immediate discharge from employment. Any employee who fails to cooperate with the requirements set forth in this policy, including refusal to test, failure to provide a specimen within a reasonable time, failure to report for a scheduled appointment to provide a specimen or adulteration of a specimen, will be subject to disciplinary action which may include immediate termination of employment.

ADMINISTRATIVE: The City strictly prohibits the use, possession and/or sale of illegal drugs, drug paraphernalia or unsanctioned the use of alcohol and marijuana while on duty(s) or on the City's property. Information concerning drug and/or alcohol test results and information concerning violations of this policy will be treated as confidential information. Such information will be released only to management representatives who have a need to know. Test results or documentation showing the employee has been subject to random drug testing shall be provided to that employee or to his/her designated representative, upon written request by the employee.

The ADA provides limited protection from discrimination for recovering drug abusers and for alcoholics. The following is an overview of the current legal obligations for employers and employees:

- An individual who is currently engaging in the illegal use of drugs is not an “individual with a disability” when the employer acts on the basis of such use.
- An employer may not discriminate against a person who has a *history* of drug addiction but who is not currently using drugs and who has been rehabilitated.
- An employer may prohibit the illegal use of drugs and the use of alcohol at the workplace.
- It is not a violation of the ADA for an employer to require testing for the illegal use of drugs.
- An employer may discharge or deny employment to persons who currently engage in the illegal use of drugs.
- Employees who use drugs or alcohol are required to meet the same standards of performance and conduct that are set for other employees.
- Employees may be required to follow the Drug-Free Workplace Act of 1988 and rules set by federal agencies pertaining to drug and alcohol use in the workplace.

The ADA provides that any employee or job applicant who is “currently engaging” in the illegal use of drugs is not a “qualified individual with a disability.” Therefore, an employee who illegally uses drugs—whether the employee is a casual user or an addict—

is not protected by the ADA if the employer acts on the basis of the illegal drug use. As a result, an employer does not violate the ADA by uniformly enforcing its rules prohibiting employees from illegally using drugs. However, “qualified individuals” under the ADA include those individuals:

- who have been successfully rehabilitated and who are no longer engaged in the illegal use of drugs;
- who are currently participating in a rehabilitation program and are no longer engaging in the illegal use of drugs;and
- who are regarded, erroneously, as illegally using drugs.

A former drug addict may be protected under the ADA because the addiction may be considered a substantially limiting impairment. However, according to the EEOC Technical Assistance Manual on the ADA, a former *casual* drug user is not protected:

A person who casually used drugs illegally in the past, but did not become addicted is not an individual with a disability based on the past drug use. In order for a person to be “substantially limited” because of drug use, s/he must be addicted to the drug.

Please note that any employee with a problem relating to either alcohol or drug abuse is encouraged to contact their supervisor or the Human Resources Department to discuss counseling or other treatments offered by the employee’s Health Insurance Plan and GIC’s Employee Assistance Program.

J. WORKERS’ COMPENSATION

The City of Melrose is self-insured for Workers’ Compensation claims submitted by City employees. Any employee who is injured as the result of a work related injury should do the following:

Notify your immediate supervisor or your Department Head of your injury. An Incident Report putting the City on notice of your injury should be completed by you and your Department Head or Supervisor within 24 hours of the incident. The required forms are available on the City of Melrose HR Department’s webpage.

All questions relating to Workers’ Compensation claims or processing of bills should be addressed to the Human Resources Department. If you are hospitalized as the result of a work related injury/accident, do not use your Health Insurance. Tell the attending physician/hospital this is a Workers’ Compensation claim.

Employees covered under a specific Collective Bargaining (Union) Agreement should consult their respective agreements for provisions relative to Workers’ Compensation/Injured on Duty benefits due to them.

K. WORKPLACE SAFETY

The City has a responsibility to provide a work environment in which safe operations can be achieved in accomplishing all phases of work. All employees are expected to be safety conscious and assist the City in finding conditions that might cause an accident.

Employees should exercise care and perform work operations in as safe a manner as possible.

In using City vehicles or vehicles rented for City purposes, safe driving practices and all traffic laws are to be observed. Under no circumstances is such a vehicle to be operated without possession of a valid driver's license, or while the driver is under the influence of alcohol, drugs, or controlled substances. Where possession of a driver's license or C.D.L. license is a requirement of the job, the loss of such license could result in loss of employment.

L. USE OF CITY VEHICLES and MILEAGE REIMBURSEMENT

City vehicles will be available for use in order to fulfill the duties of certain positions and for those employees who may be required to travel as part of their work duties (within City limits and beyond). These vehicles may use the fuel pumps at the DPW Operations Facility under the direction of the Director of Public Works, or his designee. Employees who have use of City vehicles during work hours may not drive them for personal use during or after work hours, with the exception of there being a state of emergency in place at which time it will be at the discretion of each department head. Employees who have access to and use of City vehicles during work hours are not entitled to mileage reimbursement. All City employees who are eligible for and entitled to mileage reimbursement by virtue of using their personal vehicle for work related travel must complete a weekly log of all miles traveled approved by their respective department manager, including related expenses for tolls, parking, etc. The City will reimburse at the IRS rate then in effect. Drivers of City vehicles shall take reasonable precautions of maintenance, including checking fluid levels, air pressure and safety equipment such as wipers, lights etc.

M. EQUAL EMPLOYMENT/AFFIRMATIVE ACTION

The City of Melrose is committed to the fundamental principles of equal employment opportunity for all current and prospective employees. The City's policies, procedures and practices are intended to prohibit discrimination based on race, color, religion, sex, age, physical handicap, marital status, national origin, Vietnam veteran status, or sexual orientation. All employment decisions, including recruitment, hiring, upgrading, transfers, termination, compensation, training and evaluation are made by considering applicable work experience and/or job performance only.

The City has an Affirmative Action Plan on file with the Massachusetts Commission against Discrimination for recruiting minority and women applicants. The Human Resources Director for the City serves as the Affirmative Action Officer for the City.

N. AMERICANS WITH DISABILITIES ACT

The City of Melrose takes its obligations under the Americans with Disabilities Act and the Massachusetts disability and handicap discrimination statutes seriously. Accordingly, it does not refuse to hire, dismiss from employment, or discriminate in compensation or other terms of employment because of an otherwise qualified employee's disability. Employees must, however, be able to perform the essential functions of their jobs. It is not illegal discrimination to require that all employees, including those with disabilities, be able to perform the essential functions of their jobs, or the jobs for which they apply.

If you have any questions about the ADA, or believe that you need some type of accommodation, you should contact the Human Resources Department.

O. HARASSMENT PREVENTION

The City is committed to maintaining a work environment in which employees are treated fairly and in accordance with all applicable laws. Through enforcement of this policy, the City strives to prevent inappropriate conduct that could be considered harassment, including sexual harassment. In addition, the City is committed to correcting any inappropriate conduct and to disciplining those who violate this policy.

All employees of the City, regardless of position, are covered by, and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. This policy also extends to City property, including but not limited to its telephones, copy machines, facsimile machines and computers and computer applications, such as email and internet access, which may not be used to engage in conduct that violates this policy.

Unlawful Harassment

It is against City Policy to engage in physical, visual, verbal and non-verbal conduct that denigrates or shows hostility or aversion toward an employee because of an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, handicap or any other basis protected by federal, state, or local law or ordinance.

Examples of unwelcome conduct prohibited by this policy include but are not limited to:

- Conduct that unreasonably interferes with an individual's work performance, that creates an intimidating or offensive work environment, that adversely affects an individual's employment opportunities and that implicates an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, handicap or any other basis protected by federal, state, or local law or ordinance
- Hostile physical contact, intimidating acts, threats of such actions or violence, or any other actions that may be considered threatening or hostile in nature and that implicates an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, handicap or any other basis protected by federal, state, or local law or ordinance
- Derogatory remarks, epithets, slurs, negative stereotyping, offensive jokes, teasing, the display or circulation of offensive printed, visual or electronic materials or similar misconduct that implicates an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, handicap or any other basis protected by federal, state, or local law or ordinance

Sexual Harassment

It is the goal of the City to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which

employees may find themselves in connection with their employment is unlawful and will not be tolerated. 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.

Definition of Sexual Harassment

Any behavior toward any employee by a manager, supervisor, co-worker or vendor, that constitutes unwelcome sexual advances, requests for sexual favors, or the display of derogatory posters, cartoons, or drawings, and other verbal or physical conduct of a sexual nature will be considered sexual harassment when:

- Submission to such conduct is made a condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating a hostile, humiliating, intimidating or sexually offensive work environment.

To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy as well as conduct, which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment will not be tolerated. We have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Complaints of Harassment Including Sexual Harassment

If any of our employees believes that s/he has been subjected to harassment, the employee has the right to file a complaint.

Procedures for Reporting Incidents

Any City employee believing that he or she has been the subject of harassment should create and submit a written report of any such incident as soon as possible to his or her supervisor or the Director of Human Resources. Supervisors are required to inform the Director of Human Resources upon receipt of any such allegations.

Harassment Investigation

Management will thoroughly and promptly investigate every reported incident of employee harassment. Management cannot guarantee complete confidentiality, but will do its best throughout the investigation to respect the confidences and sensitivities of all parties in the incident. The reporting employee will be afforded protection from retaliation, and the results of any investigation of alleged harassment shall be promptly communicated to the employee.

Disciplinary Action

The City takes allegations of sexual harassment seriously, and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action, as is appropriate under the circumstances. Such actions may range from counseling to termination of employment, and may include other forms of disciplinary actions as we deem appropriate under the circumstances.

State and Federal Remedies

In addition to the above, if you believe you have been subjected to harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 180 days; MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission (“EEOC”)

John F. Kennedy Federal Building
15 New Sudbury Street Room 475
Boston, MA 02203
1-800-669-4000

2. The Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office:

One Ashburton Place - Rm. 601
Boston, MA 02108
617-994-6000
mcad@mass.gov

Springfield Office:

436 Dwight Street, Room 220
Springfield, MA 01103
413-739-2145
mcad@mass.gov

P. PERFORMANCE MANAGEMENT

All employees are expected to meet acceptable standards for work performance, punctuality, attendance, and personal conduct.

Department Heads will give regular feedback, as needed, to their employees. In addition, they will conduct performance appraisals annually using uniform standards to measure performance. Supervisors will use the performance system in a manner that equitably and fairly evaluates current strengths and weaknesses to ensure maximum future performance.

A Performance Appraisal System benefits both management and individual employees by:

- Recognizing an employee’s performance;
- Maintaining and improving performance;
- Providing a medium for personnel counseling;
- Facilitating proper decisions regarding probationary employees;
- Fostering fair and impartial personnel decisions;
- Providing an objective and fair means for measurement and recognition of individual performance; and
- Identifying training and professional development needs.

When an employee fails to conform to proper standards, that person should have, as stated below, notification and an opportunity to correct the deficiency. If performance does not improve, the disciplinary steps set forth in the policy below should be followed.

Supervisors are responsible for informing employees of standards, policies, and procedures. Supervisors will face problems as soon as they are identified. All problem situations will be reviewed with Human Resources at the earliest opportunity.

Documentation

Documentation serves as a guide to develop and improve employee performance. It also gives supervisors the opportunity to make employees aware of the positive and negative impact of their actions.

Generally, the following series of steps will be followed, although there will be circumstances which justify skipping steps, repeating steps, or proceeding to immediate termination.

Step 1: Verbal alert for a first offense. The supervisor and the employee discuss the performance problem and the steps needed for improvement. A memo detailing the date of the meeting is completed and is kept by the department head. This note may be sent to Human Resources either when the verbal warning is presented or when the corrective action warning is given, as a form of back-up documentation.

Step 2: Corrective action warning for a second offense or a serious first offense requiring more than a verbal alert. All corrective action warnings are reviewed by Human Resources before being presented to the employee. The supervisor meets with the employee and, if desirable, with Human Resources. A corrective action warning becomes a permanent part of an employee's personnel file.

The supervisor and staff member review the performance problem and identify the steps necessary to correct it. The supervisor reviews the following points and includes them in the written warning:

- Statement of performance problems;
- Necessary corrective action discussed;
- Restatement of prior counseling; and
- Description of the next step in the process

Step 3: Final warning. If a problem continues, a final written warning is issued. The warning must be reviewed by the Human Resources Director before it is presented to the employee.

A meeting must be arranged with the employee, the supervisor and the Human Resources Director. The purposes of this meeting are to:

- Review the performance problem;
- Identify necessary corrective action;
- Attempt to resolve any underlying problems interfering with the employee's ability to correct the performance problem;

- Restate prior counseling; and
- Clearly state that the next step is termination

Step 4: Recommendation for release. If the desired improvements do not occur, the supervisor has no choice other than to recommend that the employee be terminated.

Immediate Release

In certain situations, the supervisor may believe that immediate termination is warranted or that some of the steps set forth above should not be used. These cases must be referred to Human Resources for immediate review.

Multiple Problems

Some employees may have more than one performance problem at a time. It is not necessary to handle each situation as though it were a single unrelated incident. Repeated infractions of different policies often point out a general inability or deliberate refusal to follow policy. These situations should be brought to the attention of Human Resources.

Those employees covered under Civil Service Laws have certain rights, including written notification, hearings, and rights of appeal in cases of transfer, abolition of position, demotion, removal, discharge, lay-off, or suspension. Employees covered by Civil Service should consult Sections 41 through 46 of Chapter 31 of the Massachusetts General Laws.

Employees covered under a specific Collective Bargaining (Union) Agreement may have different or additional procedures that apply to disciplinary actions and should therefore consult their respective agreements for provisions relative to discipline.

Q. CITY PROPERTY

Office space, furniture, equipment, vehicles, computers, and all other materials provided by the City to assist you in your work are City property. It is your responsibility to become familiar with the proper use of this property and to assure that it is maintained as needed. City property should not be abused, misused or removed from the premises without proper authorization. The City has the right to inspect any City property issued to you at any time.

R. WEAPONS AND VIOLENCE FREE WORKPLACE

It is the City's policy to promote a safe environment for its employees. The City is committed to working with its employees to maintain a work environment free from violence, threats of violence and other disruptive behavior. Employees who commit such acts may be removed from the property and may be subject to disciplinary action (up to and including termination), criminal penalties, or both.

To ensure that the City of Melrose maintains a workplace safe and free of violence for all employees, the City prohibits the possession or use of dangerous weapons on city property.

All City of Melrose employees are subject to this provision, including contract workers and temporary employees as well as visitors and customers on company property. The

only exception is Melrose Patrol Officers who carry weapons in the course of employment). A license to carry weapons on city property does not supersede city policy. Any employee in violation of this policy will be subject to disciplinary action, up to and including termination.

“Company property” is defined as all city-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the city’s ownership or control. This policy applies to all city-owned or leased vehicles and all vehicles that come onto city property.

“Dangerous weapons” include firearms, explosives, knives and other weapons that might be considered dangerous or that could cause harm. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.

The City reserves the right at any time and at its discretion to search all city-owned or leased vehicles and all vehicles, plus packages, containers, briefcases, purses, lockers, desks, enclosures and persons entering its property, for the purpose of determining whether any weapon is being, or has been, brought onto its property or premises in violation of this policy. Employees who fail or refuse to promptly permit a search under this policy will be subject to discipline up to and including termination.

We need your cooperation to maintain a safe work environment. Do not ignore violent, threatening, intimidating, or other disruptive behavior or any other violations of City policy. If you observe or experience such behavior by anyone, whether the individual is a City employee or not, report it immediately to a supervisor or manager. Employees may also report such behavior to Human Resources or the Mayor’s Office. Supervisors and managers who receive such reports should seek advice and assistance from the Director of Human Resources immediately.

S. REFERENCES AND RECOMMENDATIONS

All requests for recommendation and references must be made through the Human Resources Department. If you are contacted by an individual outside the City and asked to provide information regarding either a current or former employee, you should refer the inquiry to the Human Resources Department.

It is the City’s policy, when contacted for a reference in behalf of an employee or former employee, to only confirm the dates of employment and positions held. Any employee or former employee, who wishes to allow the release of more information, must contact the Human Resources Department and provide a written authorization for the release of information.

SECTION 2. PAID TIME OFF ACCRUALS/LEAVES

The City of Melrose provides employees with paid time off accruals and other leaves as defined in this section. Paid and unpaid time off is managed by department heads in cooperation with the Human Resources Department. Employees will request and schedule Paid Time Off and Leaves with their supervisors. In turn Department Heads and their payroll clerks will report paid time off accruals used by their employees on a weekly basis for accrual time used during that week. The proper and timely reporting of accruals used

is mandatory. The improper reporting of accruals used will not be tolerated and taking time out of the office and not reporting it will not be tolerated.

In the event employees are unable to come to work for weather related reasons, and City Offices are open, employees must use either accrued personal time or accrued vacation time. Sick time may only be used in the event that you are ill.

Paid time off accruals (including vacation and personal days, holidays and sick leave) are pro-rated upon hire for the first year of employment and are subsequently awarded annually on January 1.

A. VACATION

New full-time, non-union employees will receive 35 hours/one week vacation during the first twelve months of employment. This vacation time cannot be used until the employee has completed six months of continuous employment. New employees may take up to one week vacation time prior to their six month anniversary under certain situations. Requests must be made in writing to the Department Head for approval. The approved request will then be forwarded to the Human Resources Department.

On the date of their first year anniversary, new employees will receive prorated vacation time to be used before January 1 according to the following schedule:

<u>Anniversary Month</u>	<u># of Days</u>
January	10
February	10
March	10
April	9
May	8
June	7
July	6
August	5
September	4
October	3
November	2
December	1

Thereafter, the new employee shall receive his/her allotment of vacation days on January 1 of each calendar year according to the following:

One year of continuous service but less than four years	Two weeks/ (70 Hours)
Four years of continuous service but less than eight years	Three weeks/ (105 hours)
Eight years of continuous service but less than fifteen years	Four weeks/ (140 hours)
Fifteen years of continuous service	Five weeks

Note: Part-time benefit eligible employees will receive prorated vacation time according to the number of hours worked per week.

All requests for vacation must be approved by the employee's Department Head to allow sufficient coverage within each department or office.

Non-union employees are allowed to automatically carry over a maximum of two weeks' vacation from one calendar year to another. The carryover vacation time must be used no later than August 31, or the employee loses that time.

Employees covered under a specific Collective Bargaining (Union) Agreement should consult their respective agreements as it relates to their maximum vacation carryover amount and vacation allowance.

B. HOLIDAYS

Following is a list of Holidays for all employees, except those covered by a Collective Bargaining (Union) Agreement:

- New Year's Day
- Martin Luther King Day
- President's Day
- Patriot's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Wednesday before Thanksgiving - offices close at 12:30 PM
- Thanksgiving Day
- Friday immediately following Thanksgiving
- Christmas Day

Employees who need to accommodate their individual religious beliefs may substitute two (2) of the above-listed holidays; these will be known as "Floating Holidays". A Floating Holiday must be scheduled with the department heads' approval, given at least two (2) weeks' notice and at times mutually agreeable to employees and their supervisors. The employee is expected to work on site (not from home).

If one of the designated holidays falls on a Saturday, City Hall will be closed on Friday. If the Holiday falls on Sunday, City Hall will observe the holiday on Monday.

Employees who are union members may have different holiday allowances and should consult their specific Collective Bargaining (Union) Agreements to determine their allowed holidays.

C. LEAVES

Sick Leave

Sick accruals are available to benefit-eligible employees to care for the employee's child (minor and adult), spouse, parent, or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care.

Earned sick time can be used to care for the employee's own physical or mental illness, injury, or medical condition that requires home care, or professional medical diagnosis or care. Earned sick time can be used to address the psychological, physical or legal effects of domestic violence.

Employees may be required to obtain a doctor's certificate verifying illness or injury for themselves or immediate family member they are caring for, before the employee shall be entitled to sick leave as herein provided.

Earned sick time cannot be used to attend a routine or preventative medical appointment. If eligible, employees may use either their accrued personal time or vacation time. Preventative medical care typically is routine health care that includes screenings, checkups, and patient counseling to prevent illnesses, disease or other health problems.

When a situation requires the use of sick time, it is important to inform your supervisor as soon as possible. Please speak with your Department Head to ensure you follow department call-in procedures.

Department Heads may require that a physician's note be submitted under certain circumstances including: sick days taken just before or after a scheduled vacation; sick days taken on weekend shifts, sick days taken after the employee has received a written warning from the Department Head regarding sick leave abuse and sick leave taken after three consecutive days.

In the event of a serious health condition, or a circumstance which requires hospitalization, the City requires a fit for duty certificate from the employee's doctor prior to returning to work. It is the City's intent to ensure that the employee's job will not exacerbate the condition or negatively impact the employee upon their return. The City is required to apply FMLA if the employee is eligible for it.

Sick Accruals

Full-time non-union employees shall accrue sick leave at the rate of 1 1/12 days per month of service (maximum of 13 per year), one (1) of which may be donated to fund a Sick Leave Bank. Any sick days used prior to completing the probationary period shall be paid back by the employee (deduction from paycheck) in the event that the employee quits or is terminated prior to completing the probationary period. Part-time non-union employees, who work a minimum of 20 hours per week, shall be entitled to a pro-rated amount of sick time, according to the number of hours worked per week.

Sick leave time, which is unused in any particular year, may be accumulated for use in any subsequent year up to a maximum accumulation of two hundred (200) days.

Upon receiving the maximum accumulation of sick leave all additional time shall be donated to the funding of the Sick Leave Bank. Any sick leave used during the subsequent year shall be subtracted from the maximum days. In no event will an employee be allowed to accumulate more than the maximum.

Examples (Assumes 200 maximum)

(a) Employee has 192 days accumulated at the end of 16 years of service. S/he goes into the 17th year with 200 (8 new days). If during the 17th year the employee is out sick 5 days, s/he would end the year with 195 days accumulated

(b) Employee has 200 days accumulated after 17 years of service. S/he goes into the 18th year with 200. If during the 18th year the employee is out sick 15 days, s/he would end the year with 185 days accumulated.

Whenever employment is terminated by death or retirement, in accordance with M.G.L. Chapter 32, after 20 or more years of continuous service in his/her department, such employee shall receive, subject to the conditions hereinafter provided, 25% of his/her unused accumulated sick leave days, up to a maximum of \$4,000. For the purposes of this section, a “day” shall mean 1/5th of the employee’s regular weekly rate of pay at the time of said retirement or death.

SICK LEAVE BANK

Effective January 1, 1996, a Sick Leave Bank was established for all permanent members of the Bank, as defined below, whose accumulated sick leave is exhausted due to a their own prolonged illness or injury.

Once an employee accumulates twenty (20) days of sick leave during a calendar year (calculated on December 31), the employee shall, on the following day, January 1 , be considered a “Permanent Member” of the Bank. The employee shall remain a member of the Bank and is entitled to all benefits and subject to all the obligations thereof regardless of the number of sick days thereafter accumulated.

Each permanent member of the Bank shall donate one (1) sick leave day each year on January 1 to fund the Sick Leave Bank, except in the case where an employee enters the new calendar year with the maximum accumulated number of sick leave days which is two hundred days (200). In this case, the employee shall donate his entire 12 earned sick days for the subsequent year to the Sick Leave Bank for use by any permanent member. Part-time non-union employees working at least 20 hours per week shall be included in this Bank on a pro-rated basis.

The Sick Leave Bank shall be administered by a Sick Leave Bank Committee consisting of three (3) members: the Human Resources Director, the Human Resources Manager and a third person to be appointed by these two City Officials. Application for benefits shall be made in writing on the appropriate application form to the Sick Leave Bank

Committee accompanied by a doctor’s certificate as to the need for and anticipated extent of recovery time.

The Sick Leave Bank Committee shall determine the eligibility for use of the Bank and the amount of leave to be granted, if any. All decisions with respect to eligibility and entitlement shall be by majority vote and shall be final and binding and not subject to appeal.

The following criteria shall be used by the Sick Leave Bank Committee in administering the Bank and in determining eligibility and amounts of leave:

- Adequate medical evidence of serious illness
- Prior utilization of all eligible sick leave
- Appropriate use of sick leave (indicative of current or prior abuse of sick leave)
- Length of service

The initial grant by the Sick Leave Bank Committee shall not exceed fifteen (15) days.

No days may be withdrawn from the Sick Leave Bank for use for any illness other than employee’s prolonged illness (not including a work related injury). Days may not be withdrawn to permit the individual to stay at home to care for other members of the family.

Sick Leave Incentive

Non-Union employees shall be reimbursed for unused sick time, regardless of whether they are Permanent Members of the Sick Leave Bank, providing they are actively employed on December 31, in accordance with the following calculation schedule. The incentive will be calculated based on the sick time earned within the current calendar year. The employees’ “accumulated” days from previous years will not be considered in calculating the incentive. Payments shall be made no later than February 15 of each year.

Employees receiving payment hereunder shall not have their sick accruals charged.

If employee uses:	Less than 24.9% of available sick days (0 to 2.9 days/0 to 20.9 hours)	Receives \$50.00/day for remaining unused days
	between 25% - 49.9% of available sick days (3 to 5.9 days/21 to 41.9 hours)	Receives \$40.00/day for remaining unused days
	between 50% -74.9% of available sick days (6 to 8.9 days/42 to 62.9 hours)	Receives \$30.00/day for remaining unused days.
	75% or more (9 to 12 days/63 to 84 hours)	Zero reimbursement

In all instances, the applicable percentages shall be rounded down.

CANCER SCREENING LEAVE

Effective October 4, 1999, the month of October was proclaimed “Breast Cancer Awareness Month”. As part of this campaign, and in order to promote the good health and well-being of employees, City Hall employees can use up to four hours of leave per calendar year for various types of cancer screenings. This leave will not be charged to any accrued leave.

You will be required to submit to Human Resources a signed copy of a medical document verifying that you were given a cancer screening. Failure to submit a copy may result in a loss of compensation. The following types of cancer screening fall under this policy: breast, prostate, colon, skin, thyroid, oral cavity, lymph nodes, reproductive organs and lungs (this list is not exclusive).

Employees will be given one four-hour block that cannot be broken down into hourly units. We ask that before scheduling a doctor’s appointment for screenings, you speak with your supervisor to determine the best time to be away. Please note that any fees are the responsibility of the employees and/or their health insurance coverage.

ORGAN DONOR LEAVE

Part-time and full-time benefit eligible employees may qualify for up to thirty (30) days of paid Organ Donor Leave (leave) in a calendar year to serve as live organ donors in accordance with G.L. c. 149, section 33E. Live organ donation includes, but is not limited to, donation of a kidney, liver, pancreas, heart, lung or intestine. Bone Marrow Donation leave will be granted and said leave shall not exceed five days. The utilization of such leave cannot result in a loss or reduction in pay or in the loss of leave to which the employee is otherwise entitled (such as family and medical leave) and also may not result in the loss of credit for time or service. The Employee’s pay, accrued time and benefits will remain protected while on Organ Donor Leave.

The leave can be taken intermittently or all at once. In the event the need for such leave is foreseeable, at least seven (7) days’ advance notice should be provided to the Supervisor and Human Resources. If the leave is not foreseeable, the employee should give notice as soon as possible. Before the leave is granted, Employees will be required to provide a certification from a physician, and a detailed letter verifying the necessity for such leave. The certification will include the type of Organ donated, the date of the procedure and the expected length of recovery, and will be signed and faxed from the doctor’s office. Before returning to work, an employee will be required to provide a certification that they are able to resume their full duties. In the event the employee is out of work more than thirty days, they will be required to use accrued paid time off under the Family and Medical Leave.

PERSONAL LEAVE

Non Union Employees will be allowed to take three “personal days” per year. “Personal days” shall be calculated based on the numbers of hours worked per week. For the purposes of payroll administration personal days are converted into hours.

Example: An employee working 35 hours per week will get 21 hours personal time. An employee working 20 hours per week will get 12 hours of personal time, regardless of how their daily hours are scheduled.

Employees can only use the number of personal hours they have available in their accrual balance.

Example: A 35 hour employee (**A**) is scheduled to work three 9 hour days and one 8 hour day. Another 35 hour employee (**B**) is scheduled to work five 7 hour days. Both employees earn 21 hours of personal time on January 1 because both employees work 35 hours per week. The difference is that **employee A** will use 9 hours of personal time on their day off, and **employee B** will use 7 hours of personal time on their day off.

All requests for personal leave must be submitted to the Department Head for approval a minimum of twenty four (24) hours prior to the requested leave, except in unforeseen circumstances.

If an employee is hired January 1 – April 30, the employee receives 3 personal days in that calendar year.

If an employee is hired May 1 – August 31, the employee receives 2 personal days in that calendar year.

If an employee is hired September 1 – December 31, the employee receives 0 day in that calendar year.

In the next calendar year, after hire, the employee will receive three personal days per year. Personal days must be used in the year they are earned; they will not be transferred to the next calendar year.

D. FAMILY AND MEDICAL LEAVE ACT

Family and Medical Leave is an unpaid employee leave of absence. The Family and Medical Leave policy is integrated and included with Sick Leave, Vacation, or other paid leave policies.

Eligibility

An employee will be eligible to seek a Family and Medical Leave if (1) the employee has worked for the City for at least 12 months, and (2) the employee has worked for at least 1,250 hours during the 12 months before the leave. In some circumstances employees who do not meet these conditions may be eligible to take a eight-week leave for the purpose of giving birth to or adopting a child (as determined under the Parental Leave Policy).

Types of Family and Medical Leave

Employees may qualify for Family and Medical Leave for any of the following reasons:

- The birth, adoption or foster care placement of a child, and for the care of that child (leave must be completed within 12 months of the child's birth, adoption or foster care placement);
- To care for a seriously ill or injured spouse, parent, or child under age 18 (or child 18 years old or over who is incapable of self-care);

- Because of an illness or injury that makes the employee unable to perform his/her job.

Military Caregiver Leave (also known as Covered Service Member Leave)

Up to 26 weeks of leave in a single 12-month period to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty. Eligible employees are entitled to a combined total of up to 26 weeks of all types of FMLA leave during the single 12-month period.

Qualifying Exigency Leave

Up to 12 weeks of leave for certain qualifying exigencies arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation, and the injury or illness must be a "serious health condition." A "serious health condition" means any illness, injury or impairment that involves one or more of the following:

- inpatient hospitalization;
- continuing treatment by a health care provider due to incapacity caused by a health condition that lasts for more than three days and requires health care visits or continuing treatment;
- pregnancy or prenatal care;
- a chronic, serious health condition that requires periodic visits for health care; or
- a permanent or long-term condition requiring medical supervision

Notice and Scheduling of Leave

An employee who plans to take leave because of planned medical treatment must make an effort to schedule the treatment to reduce the disruption to your department, subject to the health care provider's approval. In general, an employee should consult with his/her supervisor to explore alternatives. At least 30 days' written notice of the leave should be given to the Supervisor and Human Resources, whenever possible. If an employee cannot give the full amount of advance notice, s/he should give notice of the need for leave as soon as is practical.

Confirmation of Leave

Employees requiring leave must provide the Human Resources Director with the reason for the requested leave so that it can be determined that the employee qualifies for leave. After an employee gives notice of his/her intent to take a Family and Medical Leave, the Human Resources Director will give the employee a memorandum confirming receipt of the notice of the leave, which sets forth some of the basic procedures and responsibilities of both the employee and the City.

Employees requesting a leave for personal or family medical reasons are required to provide medical certification. Under most circumstances, medical certification must be provided within 15 calendar days. Further medical verification may be required during the leave, depending on the circumstances. Moreover, employees on leave may be contacted periodically for updates concerning their status and intent to return to work. Employees are expected to respond fully to such requests for updates.

Length of Leave and Restoration Rights

In general, an employee is entitled to a maximum of 12 weeks of Family and Medical Leave during any 12-month period. The 12-month period is a rolling period, measured backward from the date an employee last used any leave under this policy.

An employee will not be entitled to more favorable employment terms as a result of taking Family and Medical Leave. Thus, the employee will be subject to the same pay or benefit reductions or other adverse actions, including layoff that s/he would have experienced had s/he not been on a Family and Medical Leave.

Certification before Return

Before an employee may return from a leave that has continued for at least five calendar days, the employee's health care provider may be required to certify that the employee is able to resume his/her job.

Coordination with Available Paid Leave Time

Family and Medical Leave is unpaid leave. To the extent that an employee has paid leave for unused sick, personal hours, vacation or available, it is City policy to require the employee to first use their sick, then personal or compensatory hours, and lastly their vacation hours. Any use of available paid leave will run concurrently with, and not in addition to, the Family and Medical Leave.

Maintenance of Health and Other Benefits

During a Family and Medical Leave, the City will continue the employee's medical and life insurance coverage, provided that the employee pays the regular employee share of such coverage on a timely basis. During any paid leave, the employee share of the premiums will be deducted from the employee's pay. During the unpaid portion of a Family and Medical Leave, the employee will be required to pay the employee share, either prior to commencing unpaid leave, or through a special billing arrangement while on unpaid leave. The Human Resources Office should be contacted by the employee prior to going on unpaid leave to make the appropriate payment arrangements. If any payment due is more than 30 days late, the City may cease providing the benefits until the employee returns to work. Upon returning to work the employee will be reinstated to the insurance program back to the termination date and will be charged the total employee amount.

E. MA PREGNANT WORKERS FAIRNESS ACT

The City of Melrose is in compliance with the Massachusetts Pregnant Workers Fairness Act as codified by **Chapter 54 of the Acts of 2017**. The Act will provide needed and reasonable accommodations to pregnant workers. For further information please see Human Resources Department.

F. PARENTAL LEAVE

The City of Melrose grants both male and female employees parental leave in accordance with the provisions of MGL Chapter 149; Section 105D. Employees having successfully completed three (3) consecutive months of benefit eligible service and who intend to return to employment shall be granted eight (8) weeks of unpaid parental leave without loss of seniority or benefits for the purposes of giving birth, becoming a Father, adopting

a child under age eighteen (18) or under age twenty-three (23) if the child is mentally or physically disabled. If two employees are using leave for the same child, the two employees are entitled to an aggregate of 8 weeks of leave.

Notice to the Employer:

Employees requesting leave pursuant to this policy must notify the City at least two (2) weeks prior to anticipated leave however, as much notice as possible is preferable. This leave will not affect the employee's rights to receive vacation time, sick leave, advancement or other benefits for which s/he was eligible at the date of his/her departure.

Accruals while on Parental Leave:

Employees are not required but may use their full weekly accrued paid time off during Parental Leave (sick, personal and vacation time).

Intermittent Parental Leave:

Employees may take Intermittent Leave under this policy with the approval of their supervisor and as long as it doesn't interfere with department operations. Use of Intermittent Parental Leave shall not exceed 12 weeks from the onset of the leave.

Family and Medical Leave and Parental Leave:

In the event that an employee is eligible for both FMLA and parental leave, that employee's leave will be charged to both forms of leave simultaneously. In this circumstance, should an employee choose to be unpaid during the eight (8) week parental leave, they will be required to use paid time off during the FML portion of their leave as defined in the Family and Medical Leave Policy.

Benefits While on Parental Leave:

In the event an employee chooses **unpaid** parental leave, the employee must notify the HR Department in writing (as much notice as possible is preferable) so that we may manage benefit deductions. The City will double or triple deduct fringe benefit premiums (health, life, dental insurance, disability, pet and FSA) from his or her paycheck prior to the leave. If an employee uses their paid time off accruals, deductions will continue on a weekly basis as they normally do.

Within 60 days of the event, employees must notify the Human Resources Department when their child arrives and forward their birth certificate and/or adoption decree along with their child's social security number and birthdate so that their child may be added to their health insurance. Employees must also complete the GIC Enrollment Change Form-1 and submit it to the HR Department.

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

G. BEREAVEMENT LEAVE

In the event of death in the immediate family of an employee, he/she shall be granted leave with pay at the straight-time rate on the day of the funeral if the funeral occurs on a workday, and for a maximum of two additional workdays falling between the day of death and the day of the funeral. "Immediate family" of an employee is defined as spouse,

mother, father, son, daughter, grandparents, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandchild or household member. Further, an employee shall be granted leave with pay at the employee's straight hourly rate on the day of the funeral to attend the funeral of the following relatives: sister-in-law, brother-in-law, niece, nephew, aunts or uncles.

H. MILITARY LEAVE AND TRAINING

The City of Melrose complies with G.L. c. 33, §59 as adopted through Order No. 00-309 on April 18, 2000 and as further amended in March, 2019, other city ordinances and the Uniformed Services Employment and Reemployment Act (USERRA) relative to compensation and benefits in the event employees are called to military duty.

Employees anticipating Military Leave or Training should review the Document entitled Policies/Procedures Regarding Pay and Benefits While on Military Active Duty & Training and follow the "Outprocessing Checklist for Employees Going on Military Leave" and complete the "Notice to Employer Military Active Duty Absence."

These documents are located on the HR Self-Serve Intranet, Human Resources Department web page www.cityofmelrose.org, or may be obtained from Human Resources.

I. JURY DUTY AND COURT LEAVE POLICY

Employees, who are called for jury duty or are summonsed as a witness in connection with a federal or state court proceeding (other than Police Officers who are required to appear in connection with their official duties) will be granted Jury Duty or Court Leave, in accordance with applicable law. The employee must notify his or her supervisor or department head at the earliest possible date prior to the start of their civic responsibility. The employee is responsible for submitting proof of juror service to their Department Head.

Court Leave will not be granted if the employee is the defendant, or is engaged in personal litigation unless the litigation arose from the performance of his or her job responsibilities. Jury Duty/Court leave shall not affect any employment rights of an individual.

Compensation of Employed Jurors/Witnesses for First Three (3) Days of Service

In accordance with the Massachusetts jury statute, M.G.L., c. 234A, Section 48, each regularly employed trial or grand juror/witness shall be paid regular wages by his or her employer for the first three days, or part thereof, of service. Regular employment includes: full-time, part-time, temporary and casual employment.

Juror Compensation - 4th Day of Service Onward

For Trial Jurors Only: Upon the fourth day and every day thereafter, the Commonwealth of Massachusetts compensates trial jurors at a rate of \$50.00 per day.

For Grand Jurors Only: The amount of compensation grand jurors are paid by the Commonwealth, for the 4th day and every day thereafter, is determined by the court but may not exceed \$50.00 per day.

Compensation from the City

If Trial Jury service and Grand Jury service exceeds three (3) days of court service, the city will pay the difference between the employee's regular pay and the amount received from the Commonwealth. The employee retains any expenses paid by the Commonwealth for travel, meals, room, or incidentals. The employee's pay statement from the City will show his or her regular gross wages and the dollar amount of juror compensation subtracted from the wages.

Reporting to Work if Excused from Jury Duty

An employee who is excused from service by the court, is expected to work at the City if there is a minimum of three and one-half (3.5) hours remaining in the employee's regular work day.

Proof of Service

As evidence of having performed juror service, individuals receive two (2) copies of the Juror Service Certificate from the Office of the Jury Commission each week of service. The Certificate also lists any compensation paid to the juror. Employees must submit one copy of each Certificate received to their Department Head in a timely fashion.

Harassment by Employer; Penalties and Enforcement

Under Massachusetts law it is unlawful for an employer to deprive a juror-employee of his or her employment or any incidents or benefits thereof, or to harass, threaten, or coerce an employee because the employee has received a juror summons. An employer shall not impose compulsory work assignments upon any juror-employee nor shall the employer do any other intentional act which will substantially interfere with the availability, effectiveness, attentiveness, or peace of mind of the employee during the performance of his juror service.

Employees covered under specific Collective Bargaining (Union) Agreements should consult their respective agreements relative to provisions of this section.

J. SMALL NECESSITIES LEAVE ACT

MGL c.149, § 52D(b) Small Necessities Leave Act. Law allows employees who qualify under the federal family and medical leave act to take off up to 24 hours in a 12 month period (defined in Melrose as a rolling year) for:

- Your child's school activities, such as parent-teacher conferences
- Your child's medical appointments
- Your senior (60 years or older) relative's medical appointments or appointments for other professional services related to the senior's care, such as interviewing at nursing or group homes.

Employees who wish to use SNLA leave must make a written request to their supervisor at least 7 days in advance. If it is not possible to give 7 days advance notice, then the employee must give as much notice as possible.

The City requires employees who have available vacation or sick time to substitute that time for all SNLA requested time.

K. DOMESTIC LEAVE POLICY

The purpose of this document is to outline the City's domestic leave policy with respect to eligibility, benefits and use, and to ensure that leave benefits are implemented equitably and consistently.

Applicability:

This policy applies to employees compensated by the City of Melrose. It excludes elected officials and employees of the School Department (which has its own policy). This policy is intended to be consistent with any and all applicable laws in particular M.G.L. Chapter 260 of the acts of 2014. If any part of this policy is inconsistent with the law, it shall be considered invalid, and the remaining provisions of the policy shall be construed so as to be consistent with the law. Nothing in this policy limits or prevents the City from providing time-off to employees to address situations of violence not specifically defined in this policy.

Definitions:

- a. **Employees** are individuals who perform services for and under the control and direction of an employer for wages.
- b. **Calendar Year** refers to the normal calendar year of January 1st to December 31st.
- c. **Family Member** (under this policy) includes:
 - i. Persons who are married to one another;
 - ii. Persons in a substantive dating or engagement relationship and who reside together;
 - iii. Persons having a child together;
 - iv. Parents, step-parents, children, step-children, siblings, grandparents, grandchildren, and persons in guardian relationships.
- d. **Domestic Violence** is broadly defined as abuse against an employee or an employee's family member by:
 - i. A current or former spouse of the employee or employee's family member;
 - ii. A person with whom the employee or employee's family member shares a child in common;
 - iii. A person who is cohabitating with or has cohabitated with the employee or employee's family member;
 - iv. A person who is related by blood or marriage to the employee;
 - v. A person with whom the employee or employee's member has or had a dating or engagement relationship.
- e. **Abuse** means attempting to cause or causing physical harm; fear of imminent serious physical harm by another; engaging involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent child; engaging in mental abuse, including threats, intimidation or acts designed to induce fear, depriving another of medical care, housing, food or other necessities of life; or restraining the liberty of another.

- f. **Abusive Behavior** includes domestic violence, stalking, sexual assault and kidnapping.

Eligibility:

Employees who perform services for and under the control and direction of the City of Melrose for wages are eligible for Domestic Violence Leave benefits.

Policy:

- a. Approved Domestic Violence Leave by definition is an unpaid leave however the City of Melrose requires benefit eligible employees to use their accrued paid time off as with other types of leave. Earned sick, personal or vacation hours can be used to address the psychological, physical or legal effects of domestic violence. Hourly, non-benefit eligible employees (or benefit eligible employees who have exhausted their accrued leave) are eligible for an unpaid Domestic Leave.
- b. An eligible employee may take up to 15 days of leave from work in any 12-month period, if the employee or family member of the employee is a victim of abusive behavior and the employee is using leave from work to:
 - i. Obtain medical attention, counseling, victim services or legal services;
 - ii. Secure housing;
 - iii. Obtain a protective order from a court;
 - iv. Appear in court or before a grand jury;
 - v. Meet with a district attorney or other law enforcement official;
 - vi. Attend child custody proceedings;
 - vii. Address other issues related to the abusive behavior against the employee or family member of the employee.

Required Documentation: An employer may not require an employee to show evidence of an arrest, conviction, or other law enforcement documentation for such abusive behavior.

- viii. The City of Melrose requires documentation showing that an employee or employee's family member is a victim of domestic violence.
- ix. An employee may satisfy the documentation requirement by producing any of the following documents within a reasonable period of time from the request:
 - 1. Protective order, order of equitable relief or other documentation issued by a court;
 - 2. A document under the letterhead of the court, provider, or public agency, which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or employee's family member;
 - 3. A police report or statement of a victim or witness provided to the police;
 - 4. Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to be found guilty, or been convicted, or adjudicated a juvenile delinquent;
 - 5. Medical documentation of treatment as a result of the abusive behavior;

6. A sworn statement, signed under the pains and penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other similar professional;
 7. A sworn statement, signed under the pains and penalties of perjury, by the employee.
-
- x. The City shall maintain any received documentation within the employee's personnel file, but only as long as required for the City to make a determination as to whether the employee is eligible for domestic violence leave.
 - xi. All information related to the employee's leave shall be kept confidential by the employer and shall not be disclosed, except to the extent that disclosure is:
 1. Requested or consented to, in writing, by the employee;
 2. Ordered to be released by a court of competent jurisdiction;
 3. Otherwise required by applicable federal or state law;
 4. Required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or,
 5. Necessary to protect the safety of the employee or others employed at the workplace.
-
- c. If additional time off is required, the employee should discuss this with his/her department head. Nothing in this policy limits or impairs an employee's right or ability to seek other types of applicable unpaid time off.
 - d. Department Heads are required to act consistent with this policy and ensure this policy is implemented consistently within their department.
 - e. In the event of an error or violation of this policy, either intentional or unintentional, Human Resources must be immediately informed. Human Resources will identify and make the proper correction(s). A violation of this policy, whether intentional or unintentional, will not change this policy, nor set a precedent in any future application of this policy.

Provisions:

- a. Employees are generally required to provide appropriate advance notice by submitting *Notice of Need for Leave*, except in cases of imminent danger.
 - i. In cases of imminent danger, the employee is required to notify the employer of his/her absence within three (3) work days that the leave was taken or is being taken.

SECTION 3. FRINGE BENEFITS

A. HEALTH INSURANCE

The City of Melrose offers comprehensive Health Insurance plans to benefit eligible employees. Please visit the Human Resources Department for information about Plan Options, Rates, Eligibility Requirements, Co-Pays and Enrollment.

Employer/Employee Contribution

For an HMO/PPO plan, the City will pay 84% of the premium on a monthly basis while the employee will pay 16% of the total monthly premium. For the Indemnity Plan, the City will pay 60% of the premium on a monthly basis, while the employee will pay 40% of the monthly premium.

A new employee has ten (10) days from his/her hire date to enroll. The City requires 30 days advance payroll deductions for any new enrollment.

New employees may enroll in health insurance on the 1st day of the month after 60 days of initial employment. If an employee does not select a plan during this time, s/he must wait until the Annual Open Enrollment Period to join. This Open Enrollment Period runs from mid-April through mid-May of each year, with an effective date of July 1.

New employees may be entitled to contributions from the City of Melrose during the 60 day waiting period. Please visit the Human Resources Department for information about the Hiatus Period.

Employees are required to submit Health Insurance information, name changes, change of address or changes in dependent status to the Human Resources Department.

B. LIFE INSURANCE

Basic Life Insurance

The City offers a \$10,000 Basic Life Insurance policy for all employees who work at least 20 hours a week and are enrolled in the City's Retirement Plan or the Massachusetts Teachers' Retirement System. This Basic Life Insurance policy is only available to City employees; it is not available to the spouse or dependents of employees.

A new employee has ten (10) days from his/her hire date to enroll. If the employee chooses to enroll at a later date, the insurance carrier requires the employee to submit to a complete physical examination at the employee's expense.

There is a 75% Employer, 25% Employee contribution for the Basic Life Insurance coverage. The City requires 30 days advance payroll deduction for new enrollment.

Information, enrollment, change of address or beneficiaries are handled in the Human Resources Office, 2nd floor, City Hall.

Voluntary Life Insurance

To qualify for Voluntary Life Insurance, an employee must be enrolled in Basic Life Insurance.

Voluntary Life Insurance, starting at \$10,000 up to \$500,000, is available to new employees but there is no City contribution for this insurance. Again, the City requires 30 days advance payroll deduction for new enrollment.

The Human Resource's Office has additional information and enrollment forms for the Voluntary Life Insurance program.

C. SECTION 125 - CAFETERIA PLAN

Section 125 plans, also known as "Cafeteria Plans," are designed to help you realize tax savings while paying your portion of health insurance premiums. The City offers a Section 125 – Cafeteria Plan to all employees who are eligible for health insurance. New employees have 30 days from their date of hire to enroll in the Cafeteria Plan or they must wait until the Group Health Annual Open Enrollment Period to join.

The Plan allows employees to purchase their medical benefits on a pre-tax basis. By taking advantage of this program, you may use pre-tax dollars to pay your portion of health insurance premiums; these are premiums which you would otherwise pay on an after tax basis.

You may elect whether or not to participate in the Plan during the annual open enrollment period. If you elect to participate for purposes of paying your employee contributions to our group medical plan on a pre-tax basis, your salary/wages will be reduced each pay period by the amount of your employee contribution requirement. As required by law, you will continue to receive a statement of your taxable compensation earned through your employment (W-2). The amount indicated as salary or wages will be the reduced amount. Your participation in this program is strictly voluntary. You will receive enrollment forms for this plan.

D. COBRA

In 1996, a Federal law was enacted (Public Law 99-272, Title X), known as "COBRA" requiring that most employers sponsoring group health plans offer participating employees and their families the opportunity for a temporary extension of health coverage (called "Continuation Coverage") at group rates in certain instances where coverage under the employer's plan would otherwise end.

You and your dependents are eligible to continue Group Health Insurance for up to eighteen (18) months when the termination of insurance is due to a reduction in your work hours, lay-off or voluntary termination of your employment with the City. There are also provisions allowing your spouse and dependent children Continuation Coverage for up to 36 months. The qualifying events allowing your spouse or dependent children the right to Continuation Coverage include your death, divorce or legal separation.

The cost of Continuation Coverage is paid for in full by the individual. You should contact the Human Resources Department for more information about COBRA benefits.

E. RETIREMENT BENEFITS

All employees (except School Teachers and some school professional employees) who work at least 20 hours per week must be members of the Melrose Retirement System which is part of the statewide retirement system for state, county, and municipal employees. Because it is a statewide system, employees do not have Social Security deducted from their earnings. Although City employees do not have FICA or Social Security deductions, there is a federal Medicare tax requirement from all governmental employees hired after April 1, 1986.

Employees hired after July 1, 1996 will have 9% deducted from their regular compensation. Employees hired after January 1, 1979 will have an additional 2% deducted from their regular compensation for any amount over \$30,000. All deductions are tax deferred. Any employee working less than 20 hours per week must have deductions withheld at 7.50% for a 403 (b) plan. This plan is overseen by the State Treasurer's Office.

A Tier 1 employee (hired prior to April 2, 2012) will be vested after a minimum of ten years of creditable service at age 55 or 20 years of creditable service at any age. Retirement benefits for a Tier 1 employee are based on age, length of service, and an average of the employee's three highest consecutive year's salary. A Tier 2 employee (hired after April 2, 2012) will be vested after a minimum of ten years of creditable service at age 60. Retirement Benefits for a Tier 2 employee are based on age, length of service, and an average of the employee's five highest consecutive year's salary. The system also has provisions for disability retirement benefits..

If an employee leaves the City a request may be made for the return of deductions. Such refund would be taxed. Funds may also be rolled over to an eligible qualified plan with no penalty.

The rights and responsibilities of the City and its employees under the Melrose Retirement System may be amended from time to time based on changes in applicable federal and state laws.

All employees are encouraged to visit the Retirement Office to have their individual needs met. Also, you may visit <https://www.cityofmelrose.org/retirement-board> for additional information.

F. CREDIT UNION

The Melrose School & Municipal Employees Federal Credit Union offers employees an opportunity for regular savings through automatic payroll deduction. Employees should contact the Credit Union for any changes they wish to make through Direct Deposit. The Credit Union is operated by a board elected by employees from within the membership. The board is authorized to make policies and to manage the Credit Union in accordance with federal regulations. Information and forms are available at the Credit Union Office.

The Credit Union operates independently of the City of Melrose, and the City of Melrose does not operate to guarantee or insure deposits made in the Credit Union.

G. LONGEVITY COMPENSATION

In order to show its appreciation for the efforts of its employees who are not subject to collective bargaining agreements, the City has established a bonus that is added to the annual compensation of full time employees who have worked for the City continuously for at least 5 years. The following schedule reflects the longevity bonus that is available for all non-union employees who meet these longevity requirements:

Years of Continuous Service	Annual Lump Sum Compensation
5 years, but less than ten 10 years	\$ 775.00
10 years, but less than 15 years	\$ 975.00
15 years, but less than 20 years	\$ 1,175.00
20 years, but less than 25 years	\$1,530.00
25 years, but less than 29 years	\$1,950.00
29 years or more	\$2,500.00

Regular, part-time, non-union employees, who work a scheduled twenty (20) hours per week or more, shall be entitled to longevity payments listed herein on a pro rated basis.

The determination of an employee's length of service shall be based upon the number of full years of continuous service, to be computed as of December 31st of the allowance year. Payment may be made at any time during December of each year except that an eligible employee shall receive a pro-rated longevity allowance when an employee terminates his/her employment with the City. Said proration shall be based upon the time from the preceding December 31st of the allowance year to the date of his/her termination.

Employees who are members of a union should consult their specific Collective Bargaining (Union) Agreement to determine whether they are eligible for a longevity bonus.

H. FLEXIBLE SPENDING ACCOUNT

Employees who are benefit eligible and who have been employed for a minimum of ten months are entitled to enroll in a Flexible Spending Account (FSA) administered by Sentinel Benefits that allows you to withhold pretax dollars from your paycheck to pay for out-of-pocket health related and dependent care expenses. You decide how much to contribute and whether to participate in the Healthcare FSA, Dependent Care FSA, or both. When you incur an eligible expense, you simply submit a claim to Sentinel Benefits for reimbursement or use a FSA debit card. The City of Melrose and Sentinel Benefits does the rest. We automatically deduct the amount you elect from your paycheck pre-tax. Sentinel Benefits processes reimbursement benefits weekly via direct deposit or by mailing you a check. To protect your privacy, your claim records are kept confidential by Sentinel Benefits.

Eligible out-of-pocket expenses include but are not limited to doctor visit co-pays, eyeglasses, dental visits, contact solution, allergy prevention & treatment, cold remedies, childcare, babysitters, after-school care, day camps.

Money in a flex spending account is exempt from federal, state and payroll taxes. Using pre-tax dollars can reduce your out-of-pocket cost by a third or more.

Benefit and enrollment information is available in the Human Resources Department. Enrolling is very simple and may be done on-line either from home or the office. Currently enrolled employees must re-enroll annually during open enrollment. Please contact the Human Resources Department for more information about the FSA.

SECTION 4. OTHER CITY EMPLOYEE CONSIDERATIONS

A. CONFLICT OF INTEREST

The Conflict of Interest Law as Amended by c. 194, Acts of 2011 requires all city employees to complete conflict of interest training. This includes receiving a copy of the summary of the conflict of interest law once each year in December. Employees must file an acknowledgment of receipt of the summary with the City Clerk.

Every two years each employee must complete on-line training and file a certificate of completion with the City Clerk. New employees must file the acknowledgment of receipt of the summary and the certificate of completion of the on-line training with the City Clerk within thirty days of employment. The burden is on the employee to comply with the State ethics law, including filing the acknowledgment and the certificate.

The Summary of the Conflict of Interest Law is on the Ethics Commission website (www.mass.gov/ethics). For the on-line training, go to www.muniprogram.eth.state.ma.us. The on-line training takes approximately 45 minutes. Be sure to print out the certificate at the end of the session. Department Heads or Commission/Board Chairpersons will be responsible to keep a list of the certificates for his or her department and provide certificates to City Clerk's Office.

Ignorance of the law is no excuse!

It is a City policy, and the duty of each employee to comply fully with all laws governing the areas in which we conduct City business from local ordinances to state and federal statutes. The City Solicitor should be consulted for guidance if there are any doubts in the propriety of any of our actions.

Chapter 268A of the General Laws governs your conduct as a public official or employee. Below are some of the rules that you must follow. You could face civil and criminal penalties if you take a prohibited action.

In general, you may NOT:

- Ask for or accept anything (regardless of its value), if it is offered in exchange for your agreeing to perform or not perform an official act
- Ask for or accept anything worth \$50.00 or more from anyone with whom you have official dealings
- Hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's family
- Take any type of official action which will affect the financial interests of your immediate family or your spouse's immediate family

- Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director, or trustee
- Unless you qualify for an exemption, have more than one job with the same municipality or county, or more than one job with the state
- Except under special circumstances, have a financial interest in a contract with your public employer
- Represent anyone but your public employer in any matter in which your public employer has an interest
- Ever disclose confidential information, data or material which you gained or learned as a public employee
- Unless you make a proper public disclosure-including all the relevant facts-take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism
- Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else
- Use public resources for political or private purposes
- After leaving public service, take a job involving other public contracts or any other particular matter in which you participated as a public employee

“Whenever you do a thing . . . ask yourself how you would act were all the world looking at you, and act accordingly.” Thomas Jefferson

B. CORI POLICY

Where Criminal Offender Record Information (CORI) checks are part of a general background check for employment, volunteer work or licensing purposes, the following practices and procedures will generally be followed:

- I. CORI checks will only be conducted as authorized by CHSB. All applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided with a copy of the CORI policy.
- II. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by CHSB.
- III. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.
- IV. If a criminal record is received from CHSB, the authorized individual will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.
- V. If the City of Melrose is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the

organization's CORI policy, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the CORI record.

- VI. Applicants challenging the accuracy of the policy shall be provided a copy of CHSB's *Information Concerning the Process in Correcting a Criminal Record*. If the CORI record provided does not exactly match the identification information provided by the applicant, the City of Melrose will make a determination based on a comparison of the CORI record and documents provided by the applicant. The (organization name) may contact CHSB and request a detailed search consistent with CHSB policy.
- VII. If the City of Melrose reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in section IV on this policy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:
 - (a) Relevance of the crime to the position sought;
 - (b) The nature of the work to be performed;
 - (c) Time since the conviction;
 - (d) Age of the candidate at the time of the offense;
 - (e) Seriousness and specific circumstances of the offense;
 - (f) The number of offenses;
 - (g) Whether the applicant has pending charges;
 - (h) Any relevant evidence of rehabilitation or lack thereof;
 - (i) Any other relevant information, including information submitted by the candidate or requested by the hiring authority.
- VIII. The City of Melrose will notify the applicant of the decision and the basis of the decision in a timely manner.
- IX. Any employee of the City of Melrose hired before the effective date of this policy, whose position requires cash handling, unmonitored interaction with children, senior citizens, or individuals with disabilities may also be subject to a CORI check. If a CORI check conducted on a current employee determines that a said employee is unfit to perform his/her duties, based upon convictions that bear directly on his/her specific position, said employee may be subject to discipline up to and including termination.
- X. Employees shall inform their Department Head of any changes in their Criminal History Record after their initial CORI check is executed by the City of Melrose.

C. SENSITIVE AND PERSONAL INFORMATION

All City employees who have access to, or knowledge of, sensitive and personal information are not at liberty to disclose said information without proper authority from their immediate supervisor or Department Head. Inappropriate release of such information could subject both the City and the employee to either a civil and/or criminal lawsuit. Included within this policy is the release of information by any means including but not limited to computers, fax machines or similar electronic equipment, information on paper, and information shared orally in person or by telephone.

All City of Melrose information is categorized into two classifications: public and personal. Public information has been declared public knowledge by MA General Laws and can freely be given to anyone without any possible risk to the City of Melrose. Personal information, as defined by MA General Laws Chapter 93H, must be protected in a secure manner and also includes but is not limited to personnel and retiree information, information related to civil or court matters, information related to the collective bargaining process or any information that is deemed confidential by the City and its management team.

Employees who are responsible for personal information must send or receive information using City approved encryption/security methods. Please consult with the Information Technology Department for encryption instructions.

What is personal information may vary based on different laws and regulations. Please use common sense and reasonable care when transmitting or communicating any personal information. Questions about the proper classification of information should be addressed to the City Solicitor.

D. ACCEPTABLE USE POLICY FOR INFORMATION TECHNOLOGY

The purpose of the Acceptable Use Policy (AUP) is to establish the acceptable use of information technologies in the City of Melrose (“the City” or “City”) in order to benefit the employees and residents of the City. The City encourages the use of information technology in our City operations and the public at large. The City believes that the understanding and proper use of these technologies enhance efficiency, collaboration, production and the transparency of government.

General Statement of Policy

This policy will provide an explanation, purpose and definition of acceptable use by the employees, contractors and subcontractors of the City. This policy is required to be read prior to using or accessing any information technology in the City.

Implementation of this Policy

The Mayor or his/her designee(s), shall develop and implement administrative regulations, procedures, terms and conditions for use and user agreements consistent with the purposes and mission of the City as well as with applicable laws and this policy. The review of this policy will be done annually by the HR and IT Departments, and any updates will be reviewed and approved by the Mayor.

Definitions

- **Electronic Communication:** Any communication or interaction which occurs through electronic means. Electronic communications include but are not limited to communications that have no specific intended recipient (e.g., posting a blog entry or status update on a publicly visible website, depending on privacy settings, which may be viewed by the public or users of that website).
- **Employee:** Any individual currently employed by the City of Melrose.
- **The CoM:** The City of Melrose and its employees.
- **Staff:** All employees of the City and any contractor or individual employed by a contractor who provides services in or to the City.
- **Information Technology:** Information Technology includes but is not limited to the City Network Infrastructure, wireless network, hardware, software, systems, electronic

devices, computers, peripherals, website, electronic documents and files, storage devices, data, Internet, digital resources, blogs, podcasting, telephone including Voice over Internet Protocol (VoIP), email or any other device or equipment used to access, store, manipulate or transmit data. Also referred to as electronic technology.

- **Users:** Any person using the City's information technologies.
- **Devices:** Any City-owned or leased device, staff-owned device or any device being used in the any public facility of the City or on the City's network.
- **CoMIT:** The City of Melrose Information Technology department.

Use of City Information Technology

3.1. Employees must abide by the City's Social Media Policy (SMP), Acceptable Use Policy for Information Technology (AUP), Network, Computer and Software Access Policy and Password Policy, and are incorporated herein by reference as if set forth in full and are made a provision of this agreement which must be complied with.

- Users will not use the City's electronic technologies to access, review, upload, download, store, print, post, receive, transmit or distribute:
- Pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;
- Obscene, abusive, profane, lewd, vulgar, rude, inflammatory, libelous, threatening, disrespectful, or sexually explicit language;
- Materials that use language or images that are inappropriate in the workplace or disruptive to the mission of the City;
- Information or materials that could cause damage or danger of disruption to the processes of the City;
- Materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination, or any other material that would violate any law;
- Orders made by shopping online during time designated as off-limits by the City unless purchasing is being made for the purpose of City business;
- Personal photos, videos, files or music not related to City purposes for any extended length of time with the exception of those pre-approved by City administrators;
- Users will not use the City's electronic technologies to gamble including but not limited to visiting gambling sites online and downloading gambling apps on their mobile devices.
- Users will not use the City's electronic technologies to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
- Users will not use the City's electronic technologies to engage in any illegal act or violate any local, state or federal statute or law.
- Users will not use the City's electronic technologies for political campaigning.
- Users will not physically or electronically vandalize City technologies nor use the City's electronic technologies to vandalize, damage or disable the property of another person or organization.
- Users will not make deliberate attempts to degrade or disrupt equipment, software, network, or system performance by spreading computer viruses or by any other means.
- Users will not tamper with, modify or change the City's electronic technologies software, hardware or wiring or take any action to violate the City's security system.
- Users will not use the City's electronic technologies in such a way as to disrupt the use of the system by other users.

- Users may not add or remove any software from City-owned computers or devices nor modify the equipment, software configuration, or environment. [All electronic technology requests must go through the City of Melrose Information Technology (CoMIT) Technology Work Order System.]
- Users will not use the City's electronic technologies to gain unauthorized access (hacking) to information resources or to access another person's materials, information or files without the implied or direct permission of that person.
- Users will not attempt to gain unauthorized access to the City's electronic technologies or any other system through the City's electronic technologies. Users will not attempt to logon through another person's account, or use computer accounts, access codes or network identification other than those assigned to the user. Access through any means other than an individual's logon credentials is not permitted
- Users will not use the City's electronic technologies to post information in public access areas regarding private information about another person. Private information includes personal contact information about themselves or other persons, or other personally identifiable information including, but not limited to, addresses, telephone numbers, identification numbers, account numbers, access codes or passwords, labeled photographs or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message
- Messages, files and records on the City's electronic technologies may not be encrypted in such a way that the Information Technology Department cannot access them and without the permission of appropriate administrative City authorities.
- Users will not use the City's electronic technologies in any way that may violate trademark or copyright laws or usage licensing agreements
- Users will not plagiarize works they find on the Internet or other information resources
- Users will not use another person's property without the person's prior approval or proper citation
- Users will not load, download or exchange pirated software or copy software to or from any City computer including freeware and shareware
- Users will not use the City's electronic technologies for unauthorized commercial purposes or for personal financial gain unrelated to the mission of the City. Users will not use the City's electronic technologies to offer or provide goods or services or for product advertisement, except as authorized by the City administration. Using technologies in this way violates state ethic codes
- The City does not support personal hardware or software except when/where otherwise indicated. Users will not install any personal hardware or software on any City-owned systems including but not limited to printers, wireless access points or switches. Users will not use City resources, Internet access or network via hardwire connection to the City network infrastructure. Users will not connect their home PC or laptop to the wall plate network jack in any building for Internet access.
- Users will not use online proxy or VPN services to negate or otherwise bypass City Internet content filtering
- There are many people and systems dependent upon a proper and optimal performance level of the network infrastructure. Frivolous, excessive and inappropriate use of these network resources by one or a few individuals should not compromise the performance for other individuals and will operate with consideration for all who use the shared resources. The City may need to put quotas on storage or bandwidth as well as block websites or other online resources in order to maintain fairness of resource allocation for all City users
- Users are required to keep their passwords private and secured. Failure to do so could result in the unauthorized access of sensitive City data. Users who do not secure their

passwords could have their access to systems, temporarily or permanently removed, or suspended and face disciplinary action. Examples of insecure storage of passwords include writing a password on a piece of paper attached to a monitor, under a keyboard, or pinned to a wall

- If an employee has City provided equipment, it is intended to be used primarily by that employee both at work and at home.
- Employees are responsible for maintaining their home network and Internet service. The CoMIT is not responsible for setting up an employee's work device to work on said employee's home network nor is the CoMIT responsible for troubleshooting problems with an employee's work device for use at home.
- CoMIT may request that you bring your electronic device to their respective locations if needed for updates and maintenance
- Issues requiring service or repair may necessitate wiping and re-enrolling the electronic device to restore it to the original configuration.
- Do not leave your electronic device unattended. Make sure your electronic device is stored in a safe, secure environment, e.g. do not leave it in your car overnight, even if it is locked.
- Do not insert foreign objects (paperclips, pens, paper, pieces of plastic etc.) into the ports (openings) of the electronic device.
- Do not use water or other cleaning solutions on the electronic device unless they are approved for use on electronics. Wipe the surfaces lightly with a clean soft cloth. Always avoid touching the screen.
- Transport your electronic device in an appropriate protective case.

Public Records

- The law requires public employees who send, receive or maintain records in their capacity as public employees, to retain, disclose and dispose of such records in compliance with strict provisions of the public records law (Massachusetts General Laws, Current). This law applies whether or not the record is in the form of a paper document or an electronic communication.
- When staff communicates through City-based resources, such as staff e-mail or City-sponsored web pages, such records are retained and archived through the City's information technology department. If, however, an employee communicates outside of these resources, such information is not retained. The burden to comply with public records laws falls on the employee when using personal e-mail or social network accounts to communicate with residents on work-related issues.

Content Filtering

- The City uses hardware and software designed to block access to certain sites and filter content. CoMIT is aware that not all inappropriate information can be filtered and will make an effort to correct any known gaps in the filtering of information without unduly inhibiting the use of content by employees. Users will inform CoMIT of any inadvertent access to inappropriate material, in order that there is appropriate modification of the filtering profile.
- Content filtering used when at work on City networks will not be available at home.

Monitoring and Limited Expectation of Privacy

- By authorizing use of the City electronic technologies, the City does not relinquish control over content or data transmitted or stored on the network or contained in files. Users should expect only limited privacy in the contents of personal files on the City's electronic technologies.

- The City monitors the use of the City's network to protect the integrity and optimal operation of all computer and system networks.
- The City will cooperate with copyright protection agencies investigating copyright infringement by users of the computer systems and network of the City.
- Technicians and computer system administrators maintain full access rights to all storage devices, and may need to access/manage such storage devices as part of their duties.
- Routine maintenance and monitoring of the system may lead to discovery that a user has or is violating the City Technology Acceptable Use Policy, other City committee policies, state laws, or federal laws.
- Search of particular files of a user shall be conducted if there is a reasonable suspicion that a user has violated the law or City policies. The investigation will be reasonable and in the context of the nature of the alleged policy violation.
- The City will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with City policies conducted through the City's electronic technologies.

Limitation on City Liability

Use of the City's technology is at the user's own risk and the City will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on the City's systems or for delays or changes in or interruptions of service, corruption in delivery or non-deliveries of information or materials, regardless of the cause. The City is not responsible for the accuracy or quality of any advice or information obtained through or stored on the City's electronic technologies. The City will not be responsible for financial obligations arising through unauthorized use of the City's technologies or the Internet.

Damage of City-Owned Electronic Property

- The following are the responsibility of the employee other entity using City-owned electronics (property) in or outside the City. Any damage incurred while using the electronics will be assessed by City and/or CoMIT and determine if the employee or other entity is responsible for reimbursement to the City for the property damage.
- Deliberate damage, neglect or abuse caused by the employee or other entity or anyone the employee allows to use a City-owned device(s). This includes intentionally marking, defacing, inserting foreign objects in, and/or abusing the electronics (amusement, anger, frustration, etc.); and damage caused by tampering with hardware components (battery housing, RAM, keys, camera, etc.) to alter City configurations.
- Leaving the device unattended or failing to secure it per City recommendations.
- Leaving it unsecured in a motor vehicle.
- Mysterious disappearance of the electronics meaning that the electronics user has no knowledge as to the place, time, or manner of the loss.
- Liquid/beverage spills on the electronics (i.e. eating or drinking near the electronics is not accidental).
- Damage caused by repairs made by an unauthorized source; City employees should bring electronics for repair only to CoMIT tech support personnel.
- All damage claims should be reported to the CoMIT immediately and no later than five (5) days after an incident.
- In the event of a theft, you must report the incident to the CoMIT through the ticket system immediately and no later than three (3) days after the theft. The CoMIT must also submit a police report with your information. Note that filing a false police report is a felony.

Access

- Access to network and software resources shall not be given to any user or contractor who has not signed an Electronic Acceptable Use Policy.
- Default access to network resources will be given to users when they begin employment
- Default access will include access to their department's "Department" folder and access to a "User" folder or redirected "My Documents" folder for storage of their documents
- Access to software applications will be given under the following circumstances:
- A supervisor requests that their employee have access to a software application
- Human Resources (HR) requests access upon hire
- The position that the employee is hired for, transferred/promoted to, requires access to a software application
- The Mayor and/or his/her designee requests access for an employee
- Access to software systems containing sensitive information or data or may violate state law if disclosed will be verified with the Mayor and/or his/her designee before access is given.
- Munis accounts will be made in coordination with the Munis Data Analyst.
- Access will be given on a, "least-privilege" basis i.e., enough access to accomplish a daily task but no more.
- Administrative privileges
- Administrative access permissions on a Microsoft Windows network shall not be given to any user outside of the City of Melrose (CoMIT) team. Administrative permissions allow malicious attacks to easily gain access to network resources.
- Administrative access to one's own computer shall not be given to any user outside of CoMIT
- Administrative access to any software application shall not be given to any user outside of CoMIT unless an employee has been designated as the administrator.

Repair of City-owned Equipment and Software

Work Order System – The following list includes but is not limited to the items that should be entered into the CoMIT work order system (helpdesk) portal

- All repairs to City-owned equipment, software, telephones etc.
- Requests for software, hardware and any other technology-based electronic device
- Reservations for
-
- borrowed equipment such as projectors or conference phones
- Assistance in setting up a device
- Toner replacement
- Passwords

Violations of this Acceptable Use Policy

Violations of this policy may have disciplinary repercussions, including:

- Suspension of network, technology, or computer privileges
- Legal action and/or prosecution
- Termination of employment for cause

E. SOCIAL MEDIA POLICY

The purpose of this policy is to protect the interests of employees, residents and the City of Melrose ("City") by setting expectations regarding the use of social networking systems. The City recognizes the benefit associated with using social media by staff. Social media is a powerful and effective way to communicate and collaborate on the Internet. However, if used improperly, social media can be damaging and can provide a forum for personal political

opinions, inappropriate behavior, and other potential dangers as well as increase the opportunity for impropriety through the ease of its use and access.

General Statement of Policy

This policy provides an explanation, purpose and definition of acceptable social media use, protocols and procedures intended to mitigate associated risks from use of this technology where possible. This policy will provide an explanation, purpose and definition of acceptable use by the employees, contractors and subcontractors of the City.

Implementation

The Mayor and/or his/her designee, the Chief Information Officer(CIO) and/or HR Director is responsible to implementing this policy and establishing compliance with the policy. The CIO and his/her designee is responsible to auditing use in compliance with this policy. All Department heads and managers are responsible for ensuring compliance with his/her subordinates. Departments are responsible for maintaining compliance with this policy by employees, volunteers, interns, Co-op employees, contractors and subcontractors of the City. Employees are to read, be familiar with and act according to this policy.

Definitions

- **Social Media:** Social networking systems include, but are not limited to, Facebook, Google+, Google Classroom or any other Google App, Twitter, Instagram, Snapchat, Tumblr, Kik, Flickr, Shots, Swarm, Linked-in, Pinterest, Skype, YouTube, WhatsApp, Medium, Soundcloud, EdModo, TikTok, Reddit, bookmarking sites, Internet published material and media, personal e-mail accounts, virtual online interactions, communication through online video games, chat, text message features of cell phones, use of blogs, wikis, and other electronic or technologically based communication systems.
- **Electronic Communication:** Any communication or interaction which occurs through electronic means. Electronic communications include but are not limited to communications that have no specific intended recipient (e.g., posting a blog entry or status update on a publicly visible website, depending on privacy settings, which may be viewed by the public or users of that website) and voice communication or recording.
- **Employee:** Any individual currently employed by the City of Melrose.
- **The CoM:** The City of Melrose and its employees.
- **Staff:** All employees of the City and any contractor or individual employed by a contractor who provides services in or to the City.
- **Information Technology:** Information Technology includes but is not limited to the City Network Infrastructure, wireless network, hardware, software, systems, electronic devices, computers, peripherals, website, electronic documents and files, storage devices, data, Internet, digital resources, blogs, podcasting, telephone including Voice over Internet Protocol (VoIP), email or any other device or equipment used to access, store, manipulate or transmit data. Also referred to as electronic technology.
- **Users:** Any person using the City's information technologies.
- **Devices:** Any City-owned or leased device, staff-owned device or any device being used in the any public facility of the City or on the City's network.
- **CoMIT:** The City of Melrose Information Technology department.

General Concerns

- Staff should always be mindful of how they present themselves to the world, online and otherwise.
- The City is concerned with information, media (videos, photos, sound recordings, etc.), or communications that could be posted on the Internet without the prior

consent or notification of an employee or persons involved or captured in said content.

- The City is dedicated to protecting any sensitive data, outside that which can be obtained through a request under the Freedom of Information Act (See Public Records section of this document). To this end, we want to prevent the exposure of sensitive data or any data that is protected from the public by Massachusetts General Laws or any Federal law or regulation.
- The City is concerned with the posting of content to social media on behalf of the City by employees, departments or their designees boards, councils or any entity doing business as part of the City.

Creation of Social Media Accounts

- Employee groups, commissions, councils, departments, boards or any other entity under the City or their designee may create social media representing departments or groups within the City after approval by the Mayor's Office and IT Department.
- Third party groups under direction of a City entity must comply with this policy as well. These groups may be contracted web developers, public relations companies of any sort, volunteer groups under direction of the city or any other third party entity in any form. Any account created must be accessible to the IT Department. The IT Department must have their own administrative account with access to the social media account created or the IT Department must have the username and password for entry into the social media account
- Upon renewal or change of usernames or passwords, the new credentials must be submitted to the IT Department.
- City entities must not create Snapchat or any other social media accounts where the content posted is not available after a short time. This makes the social media not conform with the public records retention laws.

Public Records

- The Massachusetts Public Records Law (M. G. L. Chapter 66, Section 10) requires public employees who send, receive or maintain records in their capacity as public employees, to retain, disclose and dispose of such records in compliance with strict provisions of said law. This law applies whether or not the record is in the form of a paper document or an electronic communication. Exemptions to this law can be found at The Massachusetts General Laws, Chapter 4, Section 7(26).
- Department use of social media shall be documented and maintained in an easily accessible format that tracks account information and preserves items that may be considered a record subject to disclosure under the Massachusetts Public Records Law (M.G.L c. 66, S1 or 950 CMR 32.00).
- When staff communicate through City-based resources, such as staff e-mail or City sponsored web pages, such records are retained and archived through the City's information technology department. If, however, an employee communicates outside of these resources, such information is not retained at this time.
- The burden to comply with public records/retention laws falls on the employee when using personal e-mail or social network accounts to communicate with the public on work-related issues.

Intellectual Property Rights and Copyright Infringement

- Employees must comply with all state and federal laws concerning intellectual property rights and copyright infringement.

- When the City posts media in any form to a social media website, the City must ensure that it has the right to post the content. In the case of copyrighted works (e.g. literary expression, photos, videos etc.), the City needs to ensure that either (1) it has the copyright in the work; (2) it has permission to use to work; or (3) the use of the work is permissible under statute. For example, in the case of third party works, such as photos, before posting to a social media site, the City should receive written authorization from the third party copyright holder. Alternatively, the City may incorporate another copyright owner's work if such use falls within the fair use exception under the Copyright Right Act. See e.g. 17 U.S.C. § 107. The four factors that a court will use to determine whether an entity's use falls within the fair use exception are:
 - the purpose and character of the use (e.g. commercial versus non-commercial, and/or whether the work was used for activities such as criticism, comment, news reporting, teaching, research, and other related activities);
 - nature of the copyrighted work;
 - amount and substantiality of the portion of work used; and
 - effect of use on the potential market for the copyrighted work
 - A determination as to whether use falls within the fair use exception is fact specific. Thus, the City needs to analyze on a case by case basis whether its use could legitimately be considered fair use.

Advertising and Endorsement Limitations

Departments making use of social media sites should investigate whether the social media provider incorporates advertisements into its site.State procurement and ethics laws prohibit City agencies or employees from endorsing products or vendors.

City and State Ethics

- Employees are prohibited by criminal statute from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he or any person whose interests are imputed to him has a financial interest, if the particular matter will have a direct and predictable effect on that interest. (18 U.S.C. § 208; 5 C.F.R. §2635.401-403) (Ethics)
- The City website cannot be used for the hosting of other groups affiliated with the city such as but not limited to fund raising, politics, and non-city commissions
- Employees must avoid the appearance of loss of impartiality in the performance of their official duties. (5 C.F.R. §§ 2635.501- 502) (Ethics)
- Staff Participation in political activities is not permissible. Staff shall not use City e-mail addresses, e-mail, e-mail distribution lists, e-mail addresses and lists obtained by the City of residents or resident groups, social media platforms or any other electronic communication system for the purposes of political activity.
- Employees have a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes. Likewise, employees shall use official time in an honest effort to perform official duties. (5 C.F.R. §§ 2635.704–705) (Ethics)
- Use of Agency Name/Seal – Terms of service agreements usually include a clause which permits use of the agency's name/seal for commercial purposes, which may raise improper endorsement issues. (Ethics)

Lobbying

Employees are prohibited from using appropriated City funds for indirect lobbying such as posts on a City website, social media or blog e.g, employees cannot make explicit statements asking the public to contact state representatives in support of or in opposition to a legislative proposal. Furthermore, employees should not lobby for any interest while on duty for the City.

Expectations of Staff - Professional Use of Electronic Communication & Social Media

- When employees choose to join or engage with these social networking groups, they do so as an employee of the City. Employees should act responsibly and appropriately when using these social networks. Employees have a responsibility to address inappropriate behavior or activity.
- Department use of social media technology shall conform to the policies, protocols and procedures contained, or referenced, herein.
- Staff shall communicate professionally at all times.
- Employees must make clear that any views expressed are the employee's alone and do not necessarily reflect the views of the City. Employees may not act as a spokesperson for the City or post comments as a representative of the City, except as authorized by the Mayor or the Mayor's designee.
- At all times, and in the use of any form of communications, staff members should respect the rights of employees to have their personnel and medical information kept confidential. Information that is protected by law from disclosure to third parties must not be communicated online in a way that unreasonably exposes such information to retrieval by those third parties.
- Staff shall not post or create content that promotes, fosters, or perpetuates discrimination on the basis of race, color, national origin, sex, gender, disability, sexual orientation, gender identity, genetic information, religion, age, family status, military status, or source of income.
- Staff shall refrain from defamatory or personal attacks.
- An employee's use of any social media network and an employee's postings, displays, or communications on any social media network must comply with all state and federal laws and any applicable City policies.
- Staff should act on the basis that any information that is shared privately with a recipient could be re-distributed or modified by the recipient, without the originator's knowledge or consent. The same common sense principles that apply to real world person-to-person communication should be applied to online conversation: Nothing that is posted online is ever truly private.
- Before endeavoring to establish any social networking account, a department head and employees should familiarize themselves with the features of any account they choose to use. For example, Facebook requires account holders to take specific steps to "privatize" the information they place online. Staff are expected to educate themselves on these features of Facebook or any other social networking site he or she may select. There is now case law that confirms that a failure to understand the way a communication system operates is no excuse for professional misuse (*Robert J. Sumien v. CareFlite* 2012). Staff will be responsible should any information that is intended to be private becomes public due to ignorance of the features of the social network used or a failure to use such features with competency.
- Most social media applications providers require users to agree to specific Terms of Service (TOS) Agreements prior to allowing the user access to the services. The TOS typically includes terms found in many software license or subscription agreements, for example: privacy (usually the TOS cites to a separate stand-alone website privacy policy); limits on user conduct (e.g. users must not post infringing content); license rights to user posted content; indemnity; disclaimer of warranties; limitation of liability; when modifications can be made to the service or to the TOS; jurisdiction and governing law; and procedures under the Digital Millennium Copyright Act.
 - The department, in consultation with the City Solicitor's office, should carefully weigh the benefits of using social media tools for mission-related purposes such as public outreach, citizen engagement, personnel recruitment, and training

against the inherent risks in accepting the social media provider's TOS. Where the agency assumes the risks of moving forward with those sites and agreeing to their standard TOS, the agency should seek to mitigate the impact of these terms of service wherever possible by following the guidance in the State's Social Media Legal Guidance Toolkit, in particular Sections 3, 5 and 6.

- Web pages linking to social media sites being used by the City or tools available on the social media platform for indicating a third party's policies or TOS, shall indicate that the site is not an official City government site and that a third party's website policies apply.
- Employees should be conscious of information that may tend to compromise the safety or security of the public or public systems
- When using a third party social media site, indicate clearly on the landing page of that social media platform that it is associated with the department or City. When a user goes to the social media site, be sure that the first page visited on that site clearly indicates the department and or City.
- Staff shall not use, copy, disseminate or share in any manner, including via social media, photos or videos of children under the age of 18 where the parent(s) or legal guardian(s) has not given consent to do so.
- Staff shall not identify children under 18 by their full name in any photograph at any time.
- Staff must keep in mind that videos and images of any students may constitute "student records" within the meaning of federal and state law i.e., The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) and M.G.L. 603 CMR 23.07.
- Employees shall communicate with each other and residents using official communication platforms offered by the City. If the need to communicate directly with a resident arises, staff should use their City e-mail account rather than alternative media. This arrangement provides staff with the protection of City records.
- Supervisors should consider the appropriateness of content that they or their employees post on social media including but not limited to alcohol, tobacco, drugs (illegal and legal), e-cigarettes, weapons, bullying, hate speech, gambling and pornographic content. The aforementioned list is understood to be required subjects and in the context of Health or Public Safety communication.
- Staff shall not use City logos, seals or official emblems on personally created social media including websites.
- Threats to any person or organization will not be tolerated by the City and are prohibited from being used in any electronic communication including but not limited to social media platforms.

Sites Allowing Forums or Public Comment

- Sites that allow public comment shall inform visitors of the intended purpose of the site and provide a clear statement of the discussion topic introduced for public comment so that the public is aware of the limited nature of the discussion and that inappropriate posts are subject to removal, including but not limited to the following types of postings regardless of format (text, video, images, links, documents, etc.). Additionally, all posts should adhere to the provisions of this document.
- Departments shall provide a TOS for the site containing public discussion. That TOS should include:
 - Intellectual Property for Contributions to Website. If your department allows content to be contributed to the website or social media, such as through a blog or wiki, amend your TOS to subject the content to the Creative Commons Attribution License, Version 3.0. Use the following text to refer to the license:

- Except where otherwise noted, content on this site is licensed under a Creative Commons Attribution 3.0 License. In addition, visitors to this website agree to grant a non-exclusive, irrevocable, royalty-free license to the rest of the world for their submissions to this site under the Creative Commons Attribution 3.0 License. A copy of this license is available online at <http://creativecommons.org/licenses>.
- Follow the provisions of the Digital Millennium Copyright Act (DMCA)ii.
- Understand the Online Copyright Infringement Liability Limitation Act (OCILLA)iii U.S. Code Title 17 § 512 that creates a safe harbor for online service providers (OSP).
- Respect external users' (i.e. non-City employee users') First Amendment rights. Although departments can moderate some social media sites where the department controls the content (e.g. on blogs and websites) to impose content-neutral restrictions to speech i.e. restricting speech that is obscene, threatening, discriminatory, harassing, or off topic, departments cannot use the moderation function to restrict speech uttered by a member of the public with which the department or administration simply disagrees.

Open Meeting Law

- M.G.L. Ch. 30A, Sections 18-25, address the open meeting laws in Massachusetts. The attorney General's office has warned that communications on social media may constitute improper deliberation if viewed by a quorum of other members of the same public body (Open Meeting Law Determination 2013-27, available at www.oml.go.state.ma.us).
- Public boards and committees should remember that posting on social media does not satisfy the "notice" requirements in the open meeting law. [See M.G.L. Ch. 30A, Section 20(c).]

Acceptable Use Policy for Information Technologies

This policy is supplementary to, and not a substitute for, the City Acceptable Use Policy for Information Technologies which governs use of the City's technology resources.

Violations of this Acceptable Use Policy

Violations of this policy may have disciplinary repercussions, including:

- Suspension of network, technology, or computer privileges;
- Legal action and/or prosecution;
- Termination of employment for cause

F. DRESS, APPEARANCE and FRAGRANCE IN THE WORKPLACE

It is the policy of the City of Melrose that work attire should complement an environment that reflects an efficient, well organized and professionally operated organization. This policy is intended to define appropriate "business casual attire" during normal business operations.

This policy establishes a dress code for all Melrose employees, volunteers and interns that are not in uniform or covered otherwise in their Collective Bargaining Agreement.

The key in sustaining an appropriate business casual attire program is the use of good judgment, while applying a dress practice that the City deems beneficial to the business environment.

Appropriate business casual attire for employees includes the following: (The list below is intended to be a guideline and is not all inclusive).

Exceptions may apply to certain positions where appropriate casual attire may be a more suitable choice due to the nature of the job (i.e. animal control officer, inspectors etc.).

Men:

- Slacks, Chinos or Dockers
- Polo shirts (Memorial Day through Labor Day)
- Oxford button-down shirts
- Sweaters and cardigans
- Loafers, dress shoes and other business casual shoes (department requirements may vary, as some departments require protective footwear for health & safety)

Women:

- Slacks
- Dress shirt/blouse
- Dresses (reasonable length)
- Skirts (reasonable length)
- Sweaters and cardigans
- Dress shoes, appropriate sandals, loafers or other business casual shoes (department requirements may vary. Some departments require protective footwear for health and safety).

Unacceptable Attire: (also applies to high school/college interns, volunteers)

- Plain or pocket T-shirts
- Cutoffs
- T-shirts with logos
- Athletic wear
- Flip flops
- Denim jeans (except appropriate, non-frayed denim on Fridays)
- Spandex or Yoga pants
- Tennis shoes (sneakers or athletic shoes of any kind)
- Tank tops, midriff length tops or off-the-shoulder tops
- Workout/Gym clothes, Sweatshirts

If there are questions on whether something is appropriate, please use good judgment and consult with your supervisor. Your cooperation is expected.

Compliance: Department managers and supervisors are responsible for monitoring, and enforcing this policy.

If questionable attire is worn to the office, the respective department manager/supervisor will hold a private discussion with the employee to advise and counsel the employee regarding the inappropriateness of the attire.

If an obvious policy violation occurs, the department manager/supervisor may require the employee to leave the work place (go home), utilizing their own leave time, in order to change his/her attire.

Fragrance Free: Employees who are sensitive to perfumes and chemicals may suffer potentially serious health consequences, triggered by exposure to scented products. Consequently, employees are asked to refrain from the use of personal scented products in the workplace where the sole purpose is to produce a scent, such as perfume, after shave and cologne and to avoid the use of strongly scented personal hygiene products such as powder, hair spray, and deodorant.

All City Managers and supervisors are expected to enforce this policy. An employee who is experiencing health consequences due to another employee's use of scented products should report the issue to their supervisor to ensure appropriate action is taken.

Employment Manual Receipt Acknowledgement

I hereby acknowledge that the Human Resources Department gave me information on where to access the City of Melrose Employment Manual. I understand and agree that I will read and comply with the policies contained in this Manual and any revisions. The information contained in the Manual is subject to change as situations warrant and I understand that changes in policies may supersede, modify or eliminate those summarized in the Manual. Any such changes will be communicated to me through official notices. I accept responsibility for keeping informed of these changes.

⇒ **At Work:** The Manual is located on the **Human Resources Self-Serve Intranet** <http://hr.cityofmelrose.org>. On the right hand side; under **PAGES**, click on **MANUALS**, and then click on **EMPLOYMENT MANUAL** on left hand side of page.

⇒ **At Home:** The Manual is located on the Human Resources page of the City of Melrose website <https://www.cityofmelrose.org/human-resources>. Click on **GOVERNMENT**, Click on **Human Resources**, on left hand side of page, click on **Employment Manual**.

⇒ **No access to a computer:** Should you have questions or concerns you can:

- Request a hard copy from your Manager or the Human Resources Department
- Schedule a meeting with your Manager for assistance
- Schedule a meeting with Human Resources for assistance

Print Name: _____ **Date:** _____

Signature: _____ **Department** _____
