

Town of Princeton
Personnel Policy

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Section 1. Purpose

This Personnel Policy (“policy”) establishes a plan for the personnel administration governing employment within the Town of Princeton and defines working conditions and employment benefits for all town employees. This policy is meant to compliment departmental operating procedures and methods of operation.

The uniform application of this policy is the responsibility of all Town employees. Positions in the service of the Town filled by popular election, those under the jurisdiction of the Light Commission, and those under which individuals render contractual services are excluded from this policy unless otherwise stated.

The policies, procedures and regulations contained in this policy shall be subject to review by the Personnel Board and approval by the Board of Selectmen. This Policy may be amended by majority vote of the Board of Selectmen. The policy does not constitute a contract of employment.

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Section 2. Definitions

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

ACCEPTABLE EXCUSED PAID ABSENCE: Shall mean all time as outlined in section 7. Including Sick, Vacation, Holiday, Jury Duty, Military Leave, Personal, Bereavement and Family and Medical Leave.

APPOINTING AUTHORITY: Shall mean the individual or Board responsible for the appointment of employees. The Board of Selectmen is the appointing authority for all appointed Town positions excluding the School and Light Department. The Fire Chief is appointed by the Board of Selectmen and is the appointing authority for all fire department personnel. The Library Director is appointed by the Library Trustees.

CONTINUOUS SERVICE: Shall mean employment uninterrupted except by authorized leaves.

CONTRACTUAL EMPLOYEE: Shall mean an employee whose term of employment is defined in a contract between the employee and the appointing authority.

DEPARTMENT: Any department, board, committee, commission, or other agency of the Town subject to this personnel policy.

DEPARTMENT HEAD: The elected or appointed official having jurisdiction and responsibility over a department's operations and activities.

DEPARTMENTAL PROCEDURES: Shall mean procedures adopted by a department head for the administration of a department. It is understood that in some cases departmental procedures shall supercede this policy provided that the departmental procedure is more stringent.

EMERGENCY EMPLOYEE: Shall mean an employee of the Town hired temporarily during an emergency to prevent stoppage of public business, hazard or serious inconvenience to the public as declared by the Board of Selectmen. An emergency employee shall not be entitled to benefits.

EMPLOYEE: Shall mean an employee of the Town of Princeton.

EXEMPT EMPLOYEE: One who is classified as not subject to the overtime pay provisions of the Fair Labor Standards Act (FLSA) and the laws of the Commonwealth of Massachusetts.

NON-EXEMPT EMPLOYEE: One who, regardless of title or function, is subject to the hours-of-work and overtime pay provision of the FLSA and the laws of the Commonwealth.

HOURLY EMPLOYEE: Shall mean an employee who is paid for the actual number of hours worked based upon an hourly rate.

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PROBATIONARY PERIOD: A working test period of six (6) months of continuous employment following an appointment to a regular position. The employee is required to demonstrate competence in conduct and actual performance of the duties in the position for which he/she is appointed. If the employee's performance is unsatisfactory, the employee shall be dismissed by the appointing authority during the probationary period.

REGULAR FULL TIME EMPLOYEE: Shall mean an employee of the Town who is regularly scheduled to work 37 ½ - 40 hours a week on a regular schedule of 52 weeks per year. Currently the work week for Town Hall employees is Monday through Thursday. However, the Town Administrator has the discretion to use Friday as an alternate work day.

REGULAR REDUCED-HOURS EMPLOYEE: Shall mean an employee of the Town who is regularly scheduled to work a minimum of 20 hours but less than 37 ½ hours per week on a regular schedule of 52 weeks per year.

REGULAR PART TIME EMPLOYEE: One who works less than 20 hours per week on a regular schedule of 52 weeks per year. Part time employees shall not be entitled to benefits.

RETIRED EMPLOYEE: A former employee of the Town who is eligible to participate in the towns health and life insurance plans for retired employees.

SALARIED EMPLOYEE: Shall mean a full-time or part-time employee whose work schedule averages out, on a weekly basis, to the number of hours specified at the time of hiring and whose time is required to support Town administration.

SPECIAL MUNICIPAL EMPLOYEE: See Policy Statements, Appendix F for the State Ethics Commission definition for a Princeton special municipal employee.

STIPEND EMPLOYEE: Shall mean an employee of the Town whose services are rendered as are required according to law and for which the employee receives a set stipend annually, i.e. Tree Warden, Veterans Agent.

TEMPORARY/SEASONAL EMPLOYEE: Shall mean any employee retained either full-time or part time for a limited or specified period of time as an addition to the existing work force, or as a substitute for an employee. Temporary/seasonal employees shall not be entitled to benefits.

TOWN: The Town of Princeton.

REGULAR WORK SCHEDULE: Shall mean the work day and week for all employees. The normal work week for a regular full time employee shall be at least 37 ½ hours but not more than 40 hours. For others, the town may require fewer hours of work. The normal lunch period will not be a paid period.

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Section 3. Equal Employment Opportunity

A. Equal Employment

3.A.1. See Appendix E.

B. Sexual Harassment

3.B.1. See Appendix E.

C. Drug Free Workplace/Drug & Alcohol Testing

- 3.C.1 The Town seeks to ensure a safe, healthy and productive work environment for all employees. Evidence clearly indicates that alcohol and other drug abuse by employees results in low productivity, high absenteeism, excessive use of medical benefits and a risk to the personal safety of the employee as well as that of co-workers. In a good faith effort to comply with the Drug-Free Workplace Act of 1988, the Town prohibits the use of alcohol and/or illegal drugs/controlled substances on the Town's premises. It is prohibited for any employee of the Town to unlawfully manufacture, distribute, dispense, possess, or use controlled substances at the workplace or on other premises while conducting Town business. Controlled substances are defined for the purposes of this policy as those groups of drugs whose use is limited or prohibited by federal and/or state law.
- 3.C.2. Guidelines and regulations regarding a drug free workplace are detailed in the Town's Drug Free Workplace Policy in Appendix A. The Drug and Alcohol Testing Policy for Highway and Police employees is also detailed in Appendix A.

D. Recruitment and Appointment

- 3.D.1. A job description agreed upon by both the Department Head and Appointing Authority must be completed prior to the announcement of a job opening.
- 3.D.2. All vacancies will be posted internally for a minimum of five (5) working days before any external recruiting is pursued. Current Town employees will be given first opportunity to submit applications for such vacancies. Notice of vacancies will be posted in Bagg Hall, Public Safety Building, Fire Station 2, Highway Barn, and Library. Each job posting will include a brief job description, minimum qualifications, salary range, and due date for receipt of cover letter and resume.
- 3.D.3. In the case of a Department Head job opening, the Appointing Authority may post internally and externally, concurrently.
- 3.D.4. All candidates applying for employment in the Town of Princeton must secure and complete an official application form. The Department Head and Appointing Authority

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will establish selection procedures in order to determine the candidate's fitness and ability to perform in the position. These may include one or more of the following: written examination, psychological exam, interview, practical (or performance) test, evaluation of experience and training, and pre-employment physical examination. All Police Officers and Highway personnel selected by the Town for full time employment shall successfully complete a physical examination. The examination shall be paid for by the Town. The examining physician shall advise the Appointing Authority as to whether, in his or her opinion, the applicant is physically qualified to perform the duties of the position. If deemed unfit to perform the duties of the position for which the application has been made, the Appointing Authority shall withdraw the offer of employment.

- 3.D.5. A candidate's former employers, supervisors, and other references may be contacted as part of the selection process. References and other background investigations shall be documented and made part of the applicant's file. All reference checks and investigations shall be completed prior to the offer of employment.
- 3.D.6. All appointments are made in writing by the Appointing Authority. The written notice of appointment will include the salary, the starting date, and any special conditions of employment. All new employees must report to the Town Administrator on the first day of employment to fill out all necessary forms.
- 3.D.7. All new employees shall receive a copy of the Personnel Policy and job description upon hire.

E. Dual Employment

- 3.E.1. Subject to the restrictions contained in Chapter 268A of the Massachusetts General Laws, the Conflict of Interest Law, an employee may work for two or more different departments provided that the first Department Head is notified by the employee of his/her intention to seek additional work and provided further that all affected Department Heads confer with the Town Administrator and are able to agree upon a course of action.

F. Probationary Period

- 3.F.1. The probationary period shall begin immediately upon original appointment or promotion and shall be for six months.
- 3.F.2. The probationary period shall be regarded as an integral part of the selection process and shall be utilized by Department Heads for closely observing the employee's work and conduct, for securing the most effective adjustment of a new employee to his/her position and for terminating any employee whose performance does not meet the required work standards. Satisfactory completion of a probationary period does not mean an automatic increase in salary.

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- 3.F.3. The employee may be removed at any time by the Appointing Authority if it is revealed that the employee intentionally falsified information relating to his/her application for employment. An employee may be removed if he/she is unable or unwilling to perform the required duties of the position or has displayed conduct, habits or dependability which do not merit continuing the employee in the position.
- 3.F.4. The employee will be notified in writing that he/she is being terminated, the reasons for termination and the effective date of the action. The employee may not appeal the removal.
- 3.F.5. Department Heads shall provide on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned Department including the safety policies and procedures.

G. Standards of Conduct

- 3.G.1. All employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town. Employees shall avoid any action which might result in or create the impression of using public office or assets for private gain, giving preferential treatment to any person or failing to exercise complete impartiality in conducting Town business. Employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any other item or service of substantial value from any person who is seeking to obtain business with the Town, or from any persons within or outside the Town employment whose interest may be affected by the employee's performance or non-performance of official duties. Substantial value has been set at \$50.00 or more by the courts of the Commonwealth and the State Ethics Commission.
- 3.G.2. **Town Property**
Employees should not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities.

H. Payroll

- 3.H.1. All employees will be paid biweekly on Friday. The payroll period begins on a Sunday and ends on a Saturday. Payroll will be distributed by the Treasurer or his/her designated representative. All payroll deductions and questions are to be directed to and answered by the Treasurer. All employees will fill out a standard weekly time sheet that will be signed by the employee, verified and signed by the supervisor. Time sheets and/or departmental time spreadsheets will be submitted to the Accountant for payroll by 9 AM on Monday morning the week of payroll.

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I. Personnel Records

- 3.I.1 All employees' personnel records shall be maintained by the Town Administrator. Records will contain personnel information, job applications, reference checks, departmental memoranda and/or letters. Personnel records shall be considered confidential and access to records shall be limited to the Appointing Authorities, the employee's Department Head, or the Personnel Board. Each employee will have access to his/her own file upon written request to the Town Administrator. Employees may review files in the Town Administrator's office upon written request and make copies of any documents contained therein. Employees may not destroy any documents contained in their files. If the employee disagrees with any information contained in the personnel record, he/she may submit a written statement explaining his/her position, which shall become a part of the permanent record.
- 3.I.2 The Town will require employees to authorize response to employment reference checks in writing including a statement holding the Town of Princeton harmless from any liability resulting from same. Employees will notify the Town Administrator of any anticipated employment reference checks and should notify the Treasurer of any anticipated verifications of employment and/or pay.

Section 4. Overtime, Call-Back and Holiday Compensation for Non-Exempt Employees

- 4.A.1 When a non-exempt employee is requested to perform overtime services, the employee shall be paid overtime for all hours worked in excess of forty (40) hours in a work week. The rate of pay shall be at least the rate of one and one half times the employee's hourly rate of pay for the duty performed on overtime services. If said work week includes time off for approved acceptable excused paid absence, such time shall be counted in an employee's normal work week.
- 4.A.2 When normal scheduling requires a regular full time employee to perform services on a holiday, the employee shall be paid one and a half times the employee's hourly rate in addition to pay for said holiday.
- 4.A.3 A regular full time employee (non-exempt) involved in an "emergency call-in" on a Sunday shall be paid for the time worked at two times his/her regular straight time hourly rate. A regular full-time employee involved in an "emergency call-in" during a holiday shall be paid for the time worked at two times his/her regular straight time hourly rate in addition to pay for said holiday.
- 4.A.4 A regular part time employee scheduled to work on Independence Day, Labor Day, Thanksgiving Day, Christmas Day (4 Shifts) or New Year's Day, will be paid their time and a half rate.

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4.A.5 **Call-Back Pay:**

- All Fire Department employees shall receive a minimum of one (1) hours pay when called to respond to a fire or medical emergency.
- Highway and Police regular full time employees who are recalled to work from off duty hours shall receive three (3) hours call-back pay. If called back a second time during the first three (3) hour call back period, the employee will be entitled to only one call-back pay.

Section 5. Classification and Compensation Plan and Performance Review

A. Classification and Compensation Plan

- 5.A.1. The Personnel Board shall maintain a written job description for each position in the service of the Town covered by this policy consisting of a statement describing the essential functions of the position.

Whenever a new position is established, or the duties of an existing position are so changed that in effect a new position is created, the Department Head will notify the Town Administrator. Upon presentation of satisfactory, substantiating data, the Town Administrator will make a recommendation to the Personnel Board regarding the establishment of a new job description for such new or changed position.

The job description title of each position shall be the official title of such position and of each incumbent of such position, and shall be used to the exclusion of all others on payrolls, budget estimates and other official records and reports pertaining to the position.

There shall be a position classification plan for all employees subject to this policy, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same grade.

B. Performance Evaluation

- 5.B.1. The Town of Princeton, recognizing the need for a comprehensive employee evaluation system, has established the Performance Appraisal System for Managers and the Performance Appraisal System for Hourly Employees. The purpose of these systems is to provide:

- (1) a uniform means to fairly and accurately evaluate an employee's performance in relation to agreed-upon objectives as well as an individual's strengths, weaknesses and potential for growth;
- (2) encouragement and guidance of an employee's development of his/her special skills and work interests;
- (3) a method for improving operational programs through employee input;

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- (4) the means to monitor the performance of probationary-period employees on a timely basis; and
- (5) the assurance that pertinent and relevant documentation is presented in support of annual, individual merit increase recommendations, if warranted, developed utilizing the current Compensation Plan Salary Grade guidelines. (Note: The cumulative total of all individual merit increase recommendations are subject to budgetary review by the Advisory Board and the Board of Selectmen and appropriation at the annual Town Meeting).

Employee performance evaluation is the continuing, day-to-day responsibility of the Department Head and the direct supervisor. Effective January 1, 2001, the Performance Year for the purpose of annual performance evaluation will be the calendar year, January 1st to December 31st.

At the end of the calendar year, a performance evaluation shall be prepared in accordance with the performance evaluation procedures. Certain seasonal employees and employees working less than eight (8) hours per week may be excluded from the annual performance review process at the discretion of Management.

After Department Heads have completed and communicated all the evaluations for their department, they will prepare their salary recommendations for their department for the new fiscal year to be effective on July 1st. These recommendations will be submitted, based on a schedule to be determined by the Town Administrator, for inclusion in the next fiscal year's budgeting process. New salaries, for the next fiscal year, will be finalized after review by the Advisory Board and the Board of Selectmen and appropriation at the annual Town Meeting.

Section 6. Grievances

- 6.A.1 The intent of a grievance procedure is to reconcile employee grievances in an appropriate and effective manner. Participants in the process are expected to act appropriately and respect the grievance process which, under certain circumstances, will be carried out in compliance with the Open Meeting Law, Chapter 39, Section 23.
- 6.A.2 Employees having complaints concerning a disciplinary action or who feel they have been treated unfairly through the interpretation or application of a policy, rule or procedure, who have not been able to resolve the issue on an informal basis, may file a formal grievance.
- 6.A.3 Prior to initiating a formal grievance, an employee should try to resolve the issue by discussing it with his/her immediate supervisor. If an action by the immediate supervisor is the basis for the dispute, the employee may bypass the informal process and file the formal grievance. If the immediate supervisor and the Department Head are one in the same, follow Step 1A.

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Step 1: Failing to resolve any dispute in an informal manner, an aggrieved employee may present a formal grievance, in writing, to his/her Department Head along with any pertinent information relative to the grievance and indicating the relief that is desired. The Department Head, within five (5) working days of the receipt of the written grievance, shall provide an answer, in writing, to the aggrieved employee.

Step 1A: When the immediate supervisor and the Department Head are one in the same and the dispute cannot be resolved informally, the aggrieved employee must present his or her formal grievance to the Town Administrator, in writing, with all pertinent information relative to the grievance and indicating the relief that is desired. The Town Administrator, within two (2) working days of receipt of the written grievance, shall present a copy of the grievance to the Department Head.

The Department Head, within three (3) working days, will provide an answer to the grievance, in writing, to the Town Administrator.

Step 2: If the grievance has not been resolved as provided in Step 1, the aggrieved employee may within five (5) working days after receipt of the written answer from the Department Head, present the grievance, in writing, to the Town Administrator. The Town Administrator shall attempt to resolve those grievances that come to him/her from either steps 1 or 1A and shall, within five (5) working days, provide an answer to both the aggrieved employee and the Department Head. If the grievance has not been resolved, the Town Administrator will refer the grievance to the Personnel Board, via the Chairperson of the Board.

Step 3: The Chairperson of the Personnel Board shall schedule a meeting of the Personnel Board to convene a grievance hearing to include the Chairperson and any two (2) other members of the Board, the aggrieved employee and the supervisor being grieved. This meeting shall be held within twenty (20) days of the notification to the Board and the Board shall have 10 days to render its decision on the merits of the grievance. The decision of the Personnel Board shall be final.

B. Discipline and Termination

- 6.B.1 All employees are expected to maintain high standards of productivity, cooperation, attendance, efficiency, safety and economy in their work for the Town. Disciplinary actions shall be the responsibility of supervisors, Department Heads and Appointing Authorities, who shall exercise their responsibility with discretion and with concern for the employee.
- 6.B.2 If work habits, behavior, or attendance fall below departmental standards, the Department Head shall point out the deficiencies and institute corrective measures, where appropriate as determined by the Department Head. In most cases, the deficiencies shall be addressed in the following manner: (1) informal discussion with employee; (2) formal discussion with the employee as a verbal reprimand; (3) written reprimand; (4) probation;

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(5) suspension, and (6) termination of employment. The Department Head is not required to follow these steps in order of progression and shall have the discretion to determine appropriate disciplinary action.

Section 7: Employee Benefits:

A. Sick Leave

- 7.A.1. Regular full time and regular reduced-hours employees shall be eligible for sick leave pay.
- 7.A.2. Regular part time, temporary/seasonal, emergency and stipend employees are not eligible for sick leave pay.
- 7.A.3. Eligible employees shall accrue 8 hours of sick time, based on a 40 hour workweek, for each complete month of employment. Regular reduced-hours employees shall accrue an amount directly proportional to the number of hours worked weekly with 40 hours being considered full time. For example, an employee working 32 hours per week shall accrue $32/40 \times 8 = 6.4$ hours per month. Sick time cannot be used prior to accrual. Sick time will accrue at the rate of 12 days per year and can accumulate up to a maximum of 135 days, or the proportional equivalent for regular reduced hour employees. Sick time must be taken at a minimum of two (2) hour increments. Accrual will be granted on the last day of each month completed.
- 7.A.4. A physician's report may be required by the employee's Department Head. An employee who requests sick leave or who is returning from sick leave, may be required by the Department Head to submit to a medical examination at the expense of the Town.
- 7.A.5. Except in cases of emergency, an employee must notify his/her appropriate supervisor each day he/she is out sick by the start of the employee's work shift. Recorded messages are acceptable with an explanation.
- 7.A.6. Sick leave will be granted under the following conditions:
- When an employee cannot perform his/her duties because he/she is incapacitated by personal illness, injury, or pregnancy-related condition
 - When an employee, because of exposure to contagious disease, jeopardizes the health of others in the work place
 - When appointments with licensed medical or dental professionals cannot reasonably be scheduled outside of normal working hours for purposes of medical treatment or diagnosis of an existing medical or dental condition
 - When the spouse, parent or child or other person living in the household of an employee is seriously ill

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- 7.A.7. Upon termination of employment, the employee will not be compensated for his/her unused sick time.

B. Vacation Leave

- 7.B.1. Only regular full time and reduced-hours employees shall be eligible for vacation time. Regular-reduced hours employees shall accrue, on an hourly basis, an amount proportionate to the number of hours worked weekly with 40 hours being considered full time. Eligibility is determined by anniversary date of employment. For vacation increment purposes, the anniversary date shall be considered the first day of the month of date of hire for those employees hired between the first and the fifteenth day of the month. Those employees hired after the fifteenth day of the month shall have an anniversary date of the first day of the following month. Vacation accruals for a regular full time employee shall be based on the following:

AFTER:

One full year of service	10 days/year (80 hours)
Five years of service	15 days/year (120 hours)
Ten years of service	20 days/year (160 hours)
Twenty years of service	25 days/year (200 hours)

Note: For example, after one full year of service a regular reduced hours employee working 32 hours per week shall receive $32/40 \times 80 = 64$ hours per year.

- 7.B.2. No vacation time may be taken until an employee has been employed for six months on a full-time or reduced-hours basis at which time one week may be taken. Vacation leave may be taken in a minimum of four (4) hour increments.
- 7.B.3. No employee may accumulate, beyond July 1st of each year, more than his/her annual accrued vacation days up to a maximum of thirty days. It is strongly recommended that employees take vacations in order to rest from the rigors of work.
- 7.B.4. Vacation requests shall be submitted in writing to the Department Head giving a minimum of two weeks prior notice to the scheduled vacation. All vacation scheduling must insure continued efficient operation of the Department.
- 7.B.5. When an employee terminates employment, he/she will be compensated at his/her regular hourly/salary base wage for all unused vacation time provided he/she has been employed for six months or more.
- 7.B.6. An employee on vacation during a week in which a holiday occurs shall not be charged a vacation day for that holiday.
- 7.B.7. Eligible regular full time employees shall accrue one-twelfth of their annual total vacation benefit for each completed month of employment based on the following schedule:

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<u>Annual Vacation Eligibility</u>	<u>Monthly Accrual</u>
10 days	6.67 hours
15 days	10 hours
20 days	13.34 hours
25 days	16.64 hours

Again, regular reduced hours employees shall accrue, on an hourly basis, an amount proportionate to the number of hours worked weekly with 40 hours being considered full time. Accrual will be granted on the last day of each month completed. Vacation time cannot be used prior to accrual. On the fifth, tenth, and twenty-fifth anniversary date of hire, employees will be given their newly earned vacation week immediately and the employee will be eligible to accrue, on a monthly basis, an additional week of vacation per year according to the above schedule.

7.B.8. If an employee is promoted from part time to a reduced-hours or a regular full time employee basis, a vacation entitlement will be determined according to the following schedule:

- Part time employee for five years or more 10 days
- Part time employee for one to five years 5 days
- Part time employee for one year or less pro-rated by hours;
No more than 5 days

After this determination, the calculation of subsequent vacation time will be based upon the employee's date of promotion to a full time employee.

C. Holiday Leave

7.C.1. The following days (or the days on which they are celebrated) shall be recognized as holidays for all Town employees:

New Year's Day	Labor Day
Martin Luther King's Birthday	Columbus Day
Washington's Birthday	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Christmas Eve – ½ Day
Independence Day	Christmas Day

7.C.2. Whenever one of the recognized holidays falls on a Sunday, the following day shall be observed; and whenever one of the recognized holidays falls on a Saturday, the previous day shall be observed.

7.C.3. Each regular full time and reduced-hours employee shall be eligible for paid holidays immediately upon employment, provided that he/she works the last scheduled work day before the holiday and the first scheduled work day after the holiday, unless excused previously by his/her Department Head.

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- 7.C.4. Eligible employees shall be compensated for holidays on the following basis:
Only regular full-time and reduced –hours employees shall be eligible for Holiday pay.
1. Full-time employees shall be credited with holiday pay at the rate of eight (8) hours for a scheduled full day holiday. (Ref: 4.A.2)
 2. Regular-reduced hours employees shall be credited with a holiday benefit proportionate with the number of hours worked weekly with hours being considered full-time. Therefore, an employee who works 20 hours weekly will receive only 4 hours of holiday pay, regardless of whether they normally work more or less on the day on which the holiday falls.
 3. Regular-reduced hours employees should discuss with their department head the impact of the holiday on their schedule for that week.

D. Personal Leave of Absence

- 7.D.1 Note: This section applies only to those leaves of absence that do not fall within the purview of the Family and Medical Leave Policy.
- 7.D.2 The appropriate Department Head, subject to approval by the Appointing Authority, may grant a leave of absence without pay for not more than six months. An employee who returns to duty within the prescribed limits of his/her leave will retain his/her prior service rights.
- 7.D.3 Before a personal leave of absence, an employee must use all accrued vacation, personal and sick time, if appropriate. Any unpaid absence in a payroll month will affect an employee's accrual of sick and vacation time for that month.
- 7.D.4 An unpaid leave of absence of greater than one calendar month will not count toward creditable service in the State Retirement system. Please see section 7.J.5 for the procedure to be used for paying for health insurance during an unpaid leave.

E. Jury Duty

All employees summoned for jury duty will be paid the difference between their pay for scheduled hours not worked and their compensation from jury duty. The employee must provide the Department Head with a statement from the court showing the number of days served and the compensation paid.

F. Military Leave

Regular full time and reduced-hours employees called for temporary military duty shall be paid the difference between their weekly base pay and their military pay, if lower, upon presentation of an official statement of their military earnings.

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G. Family and Medical Leave

Family and medical leave will be granted in accordance with the Family and Medical Leave Act Policy as outlined in Appendix B.

H. Bereavement Leave

- 7.H.1. Up to four (4) work days of bereavement leave shall be granted with pay to any regular full time or reduced-hours employee in the event of the death of an immediate family member of such employee. The immediate family consists of: spouse, parents, children, brothers or sisters.
- 7.H.2. Not more than two (2) days of bereavement leave shall be granted with pay to any regular full time or reduced-hours employee in the event of the death of an extended family member of such employee. The extended family consists of: grandparents, aunts, uncles, cousins, nieces, nephews, or in-laws.

I. Personal Leave

Regular full-time and reduced-hours employees will be granted three (3) days of personal leave each fiscal year (July 1 to June 30th). All requests for personal leave must be approved by the Department Head. Personal leave days will not accumulate and will expire if not used. New employees will be eligible to receive personal leave during their first year of employment according to the following table:

Hiring Date: July 1 to September 30	– eligible for three personal days
Hiring Date: October 1 to December 31	– eligible for two personal days
Hiring Date: January 1 to March 31	– eligible for one personal day
Hiring Date: After March 31	- not eligible

J. Health Insurance

- 7.J.1. Regular full time and regular reduced-hours employees scheduled to work twenty (20) or more hours per week for fifty-two (52) weeks may enroll in the Town's health insurance programs one month after their date of hire. The Town will pay a fixed amount toward health insurance premium payments for either family or individual membership in an HMO group sponsored by the Town equal to 85% of the current premium.
- 7.J.2. Eligible retired employees may enroll in the Town's health insurance program. The Town will pay a fixed amount toward health insurance premium payments for either family or individual membership in an HMO group sponsored by the Town equal to 50%. The town accepted Chapter 32B Section 9A at the May 9, 2006 Annual Town Meeting.
- 7.J.3. Elected officials are not eligible for the Town's health insurance program.

Town of Princeton Personnel Policy

- 7.J.4. Part time, temporary/seasonal, emergency and stipend employees are not eligible for the Town's health insurance program.
- 7.J.5. An employee who is placed on a temporary unpaid leave of absence for not more than ten (10) weeks, whether stated to be a leave of absence, a temporary layoff or a temporary disability, will be allowed to continue to participate in the Town's insurance program as if still in paid status. The employee will be required to pay the Town, on or before the fifteenth of each month, for the following month's coverage of the employee's portion of the insurance premium which would otherwise be deducted from the employee's compensation. Failure of the employee to make timely payment will result in termination of this benefit.

K. Life Insurance

- 7.K.1. Regular full time and regular reduced-hours employees may elect to be covered by \$10,000 term life insurance and \$10,000 accidental death insurance. The premium payment will be shared equally by the Town and the employee. The policy is subject to approval by the life insurance company.
- 7.K.2. Retired employees may be covered by \$5,000 term life insurance and \$5,000 accidental death insurance. The premium payment will be shared equally by the Town and the retired employee.
- 7.K.3 Employees who elect not to participate in the life and accidental death insurance plan must sign a waiver form.
- 7.K.4. Elected officials compensated \$200 or more per year may choose to join the Town plan and the premium payment will be shared equally by the Town and the official. The Town contribution shall cease when the official no longer serves in the elected position.
- 7.K.5. Part time, temporary/seasonal, emergency, and stipend employees scheduled to work less than twenty (20) hours per week, are not eligible to participate in the Town's plan.
- 7.K.6 Leave of absence employees may choose to receive life insurance benefits as outlined in section 7.J.5.

L. Retirement

- 7.L.1. The Town of Princeton Contributory Retirement System is organized and operated by the Worcester County Retirement System in accordance with the provisions of Massachusetts General Laws, Chapter 32. Regular full time employees and regular reduced-hours employees working a minimum of 1,040 hours in any calendar year are required to participate in the plan.

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7.L.2. Contribution levels of gross pay paid by employees are as follows:

- commenced employment or were members of a State or county retirement system prior to January 1, 1975, is 5%;
- commenced employment or were members of a State or county retirement system between January 1, 1975, and December 31, 1983, is 7%;
- commenced employment or were members of a State or county retirement system after January 1, 1984, is 8%;
- commenced employment or were members of a State or county retirement system after January 1, 1996, is 9%;
- commenced employment after January 1, 1984, and who annually earn over \$30,000, an additional 2% of pay earned in excess of \$30,000.

M. Deferred Compensation

All employees not currently participating in a State or county retirement system (those who work less than 1,040 hours per year) are required to contribute a minimum of 7.5% of their salaries to a deferred compensation plan under the administration of PEBSCO. All other employees participating in the County retirement system have the option of enrolling in a deferred compensation plan. For more information contact the town **Treasurer**.

N. Smoke Free Environment

No smoking is allowed within any town building.

O. Worker's Compensation Procedures

The Town of Princeton is required under Massachusetts General Laws, Chapter 152, the Workers' Compensation Act, to provide workers' compensation insurance covering its employees regardless of the number of hours worked in any given week. The government mandated system is in place to make sure that employees are protected by insurance if they are injured on the job or contract a work-related illness.

7.O.1. **Injury Reporting**

- **Step 1 – Incident Report**

If an employee is injured during his/her employment, an incident report (see Appendix) must be filed IMMEDIATELY with the employee's supervisor for the work related injury. The completed incident report must be filed with the Town Administrator within 24 hours, who will in turn notify the Town's insurance company within 24 hours of receipt.

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- **Step 2 - Medical Only Claim Form**

Claims for injuries that result in medical bills, but fewer than five days of disability, are reported only to the Town's workers' compensation insurance company, and not to the Department of Industrial Accidents. The Medical Only Claim Form (see Appendix) should immediately be submitted to the Town Administrator who will in turn notify the Town's insurance company within 24 hours of receipt.

The Town of Princeton maintains its workers' compensation insurance with the Massachusetts Education and Government Association (MEGA). Once an employee has completed the Medical Only Claim Form, it should be turned into the Town Administrator who will forward the information to the MEGA Adjustor. The MEGA Adjustor will then contact the employee and physician to obtain further details and to instruct the parties on medical payment processing.

- **Step 3 - Disability Form 101**

An injured worker becomes eligible for weekly compensation indemnity benefits when he/she has been totally or partially disabled due to an injury or occupational illness, and is incapable of earning full wages for five or more calendar days (the days do not have to be consecutive; disability can be total or partial). When this happens, the employer is required to file the Form 101, Employer's First Report of Injury/Illness/Death, in compliance with MGL C. 152 86 (see Appendix) with the Town Administrator.

This form must be submitted to the Department of Industrial Accidents, the insurance carrier and the employee within seven days from the fifth day the employee has been disabled because of the accident. The original signature is required on the form sent to the DIA.

It is the responsibility of the employer to report the disability, whether or not the employer agrees with the employee's claim or not. The form is not an admission of liability.

- **Form 101 should be immediately distributed as follows:**

Send the Original Form to:

Department of Industrial Accidents – Department 101
600 Washington Street, 7th Floor
Boston, MA 02111

Distribute a copy of Form 101 to the employee.

Distribute a copy of Form 101 to the Town's insurance company.

File a copy of Form 101 in the Town's employee records.

- **Step 4 – Payment of Claim**

Once the insurer receives the Form 101, the company/agency has 14 days to pay benefits or notify the employee and the DIA that they are contesting the claim. The insurance

Town of Princeton Personnel Policy

company will pay benefits based on a wage rate for the 52-week period prior to the incident. The employee will receive 60% of the average gross wages, with no taxes withheld, and such payments will be mailed directly to the employee. Compensation is paid for lost wages on any days you are disabled after the first five days. You are not compensated for the first five days of incapacity unless you are disabled for 21 days or more.

If the insurer should dispute the claim following an investigation with the Town, employee and attending physician, there is a conciliation and arbitration process in place at the DIA for resolution through hearing and review. All parties will be notified of the process in this event.

7.O.2. **Health Benefits and Job Security**

The Massachusetts Workers' Compensation law does not require the continuation of most fringe benefits, including health insurance. Absence from work may also affect the earning of sick and vacation time. In addition, it does not require the Town to hold your job open, if a replacement employee is hired while you are out. However, once you are able to return to work, Section 75A of the law requires the Town to give you preference in re-hiring if a suitable job is available.

7.O.3. **Further Information**

Your Guide to the Massachusetts Workers' Compensation System (located in Appendix) www.mass.gov/dia or 1-800-323-3249 x470.

Section 8. Reimbursement

8.A.1. **Travel:**

In the event employees use their own vehicle to conduct business for the town, they must first obtain authorization from their supervisor or Department Head. Once authorized, the employee will be reimbursed for mileage at the rate of .40 cents per mile, as well as tolls, parking fees and the cost of meals where applicable. In order for an employee to receive such reimbursement, a travel voucher containing all information about mileage, destination, date, and reason for travel must be submitted to the Department Head for his/her signature. All receipts for reimbursement of tolls, parking, and meals must be attached. Any proposed out of state travel must be approved beforehand by the Board of Selectmen. This policy excludes all travel within the boundaries of the Town of Princeton. The Town does not reimburse for travel within its own boundaries.

8.A.2. **Work Boots:**

Reimbursement is allowed for the purchase of work boots for full-time highway personnel (upon submission of receipt for same) to a maximum of \$120.00 per fiscal year per person.

Town of Princeton Personnel Policy

8.A.3. **Licenses:**

Reimbursement is allowed for required license renewal of a hydraulic license and the difference in cost between a Class B driver's license and a commercial drivers license for all regular full time highway employees. Retired and current Police Officers shall receive a "License to Carry" at no cost to the officer.

Section 9. Personnel Board

- 9.A.1. Composition: The Board of Selectmen shall appoint a Personnel Board consisting of five registered voters of the Town, to be appointed for three year overlapping terms. Appointments shall be made by July 1st of each year. No member of the Personnel Board may be an employee of the Town if that employee works more than 100 paid hours annually nor hold Town office whether elected or appointed. Like all Town employees and board/committee members the Personnel Board is subject to and shall abide by the provisions of the Conflict of Interest Law, M.G.L. Chapter 268A. Members shall serve without compensation. The Town Administrator shall serve as an advisor to the Personnel Board and the Advisory Board will provide additional assistance upon request.
- 9.A.2. Organization: The Personnel Board shall annually elect a Chairman from its membership who shall preside over meetings. The Board shall select a clerk from its membership who shall be responsible for recording minutes of all committee meetings, in accordance with the Open Meeting Law, Chapter 39, Section 23. A majority of the Board shall constitute a quorum for the transaction of business. Action by a majority of those Board members present shall be binding.
- 9.A.3. Administration and Responsibilities: The Personnel Board, as an advisory body, shall not interfere with nor act as an intermediary in any supervisor/subordinate relationship, except in its role as a Board of Appeals for grievances. The scope of its responsibilities is detailed below.

The Personnel Board shall administer and maintain the Town of Princeton Personnel Policy. The Board will make recommendations to the Board of Selectmen for all Personnel Policy amendments for final approval.

The Personnel Board shall adopt policies and procedures, with the Selectmen's ratification, deemed necessary for the administration of the Personnel Policy.

The Personnel Board, with the assistance of the Town Administrator, shall classify all compensated positions in the employ of the Town, both full-time and part-time except seasonal employees and call firefighters and those covered by work agreements, contracts or under the jurisdiction of the School Committee.

Town of Princeton Personnel Policy

The Personnel Board shall maintain the personnel appraisal system based on merit principles, the classification and reclassification of positions utilizing Position Descriptions submitted for its consideration and the recommendation of an annual compensation plan for approval by the Board of Selectmen. The recommended compensation plan for the following fiscal year must be completed by March 1st of each year.

The Personnel Board shall constitute a Board of Appeals for grievances by Town employees. The grievance procedure is outlined in section 6 of this Personnel Policy.

The Personnel Board has conclusive authority to interpret the Personnel Policy and to decide all questions relating to its application.

The Personnel Board shall allocate a ten (10)-minute period at the beginning of its monthly meetings for Town employees and shall conduct an open meeting at least once annually with town employees to discuss any employee concerns regarding the above-mentioned Administration and Responsibilities.

Section 10. Town Administrator

The Town Administrator is responsible for the day-to-day administration of the Personnel Policy and serves as an advisor to the Personnel Board.

The Town Administrator shall review the Personnel Policy periodically and make recommendations to the Personnel Board for revisions.

The Town Administrator is responsible to assist the Personnel Board in the review and maintenance of the Town's Classification and Compensation Plan.

The Town Administrator is responsible for the Equal Employment Opportunity policy as defined in the Personnel Policy.

The Town Administrator, in conjunction with department supervisors, will be responsible for all recruitment and selection procedures as outlined in the Personnel Policy.

The Town Administrator shall be responsible for orienting all new employees of the Town of Princeton in accordance with personnel procedures as outlined in the Personnel Policy.

Section 11. Leaving Town Employment

- A. Though the Town fully expects all employees to remain in its employ for an extended period of time, it also understands that circumstances arise that may cause the

Town of Princeton Personnel Policy

relationship to end either through resignation, retirement or termination.

B. Return of Town Property

Regardless of the reason for leaving Town employment, all Town property in your possession (i.e. keys, pagers, etc.) must be returned to your Department Head no later than your last day of employment.

C. Resignations

In the event you decide to resign, you are expected to give your supervisor at least two (2) weeks notice if you are an hourly employee and at least thirty days if you are a Manager. This will allow the Town and your co-workers to properly prepare for your departure.

D. Retirement

Public employees in Massachusetts have statutory rights to retirement benefits pursuant to M.G.L. c. 32. You are fully vested and eligible to retire upon attaining age 55 and the equivalent of ten (10) years of full-time service. Appropriate information detailing the procedures a retiring employee must follow are available from the State Board of Retirement and/or the Town Treasurer.

E. Terminations

Terminating someone's employment is not a pleasant experience for anyone involved. Procedures are in place that are designed to avoid such an occurrence. These include the utilization of periodic performance appraisals (see Section 5.B), on-going communication between you and your supervisor and adherence to the Town's Personnel Policy (see Section 6.B).

F. Separation of Employment Benefits

- 11.F.1. If terminated, you will be paid through the date of termination and for any unused vacation time (see section 7.B.5). There will be no compensation for unused sick time (see section 7.A.7) or unused personal leave (see section 7.I).
- 11.F.2 If you leave Town employment, you should contact the State Board of Retirement concerning your retirement plan options.
- 11.F.3 Upon termination, the Town Administrator will provide you with other important information regarding the process for filing for unemployment claims (if applicable), COBRA notification, etc.

Town of Princeton Personnel Policy

G. Exit Interview

All employees leaving Town employment for any reason will have an Exit Interview comprised of the completion of an Exit Questionnaire (sample on page 25) and a meeting with their Department Head or the Town Administrator. The purpose of the meeting is to be sure you are provided with important information concerning various benefits to which you are entitled and to provide the Town with any information it will need. The completed questionnaire will NOT become a part of your personnel file but will be used for informational and feedback purposes only.

Section 12. Snow/Heat/Severe Weather Policy

In the event of a snowstorm or other severe weather, employees may either utilize paid vacation or personal time should circumstances prevent them from coming to work. Under certain circumstances, the Town Administrator may decide either to declare a delayed start to the work day or to release employees prior to the end of their normal workday. Under such circumstances, employees will be paid for their regularly scheduled hours of work for that day. Employees who are on a vacation or have taken a personal day, are out sick or who were not scheduled to work on such a day will not be credited for those hours during which working employees were released.

In the rare case of a full day shutdown due to inclement weather, employees are expected to work on Friday of that week. If an employee cannot come to work on that Friday, the employee will not be compensated for the shut down day unless the employee opts to take the day as a personal or vacation day.

Employees of the Princeton Library are governed by a separate policy adopted by the Trustees of the Goodnow Memorial Building. (See Appendix E)

Section 13. Longevity Plan

In recognition of their years of service, employees working for the Town of Princeton will be awarded annual lump-sum payments compensatory to their length of employment, as follows:

\$300 for service of 10-14 years
\$400 for service of 15-19 years
\$500 for service of 20+ years

The longevity award is applicable to any full-time, benefited employee working a minimum of 20 hours/week. It will apply to total actual time served, and employees with gaps in their employment with the Town of Princeton will be eligible.

Town of Princeton Personnel Policy

This award and recognition will begin in Fiscal Year 2008 and payments will be made annually for employees with at least 10 years of service at a time to be determined by the Board of Selectmen.

Section 14. Severability

If any Policy provision or regulation is held invalid, the remaining provisions of this Policy or regulations shall not be affected thereby.

Town of Princeton
Personnel Policy

**Town of Princeton
Exit Interview Form**

Name: _____ Dept.: _____

Position: _____

Employment Date: _____ Termination Date: _____

Reason for leaving the Town of Princeton: _____

How would you evaluate the following aspects of your employment?

	Excellent	Good	Fair	Poor
1. Introduction to your job	_____	_____	_____	_____
2. Use of your skills	_____	_____	_____	_____
3. Recognition for doing your job	_____	_____	_____	_____
4. Working conditions (physical facilities)	_____	_____	_____	_____
5. I feel the Town policies and procedures are	_____	_____	_____	_____
6. The level of concern for employees here is	_____	_____	_____	_____
7. Pay levels are	_____	_____	_____	_____
8. My understanding of performance standards I was expected to meet is	_____	_____	_____	_____
9. The extent to which I am informed ahead of time regarding changes that affect my work	_____	_____	_____	_____
10. The respect and confidence I have in my supervisor is		_____	_____	_____
11. The level of cooperation among employees in my department is	_____	_____	_____	_____
12. The level of cooperation among fellow employees in other departments is	_____	_____	_____	_____
13. Generally speaking, I would rate the Town of Princeton as what kind of place to work?	_____	_____	_____	_____

Notes:

Town of Princeton Personnel Policy

Do you feel there is effective communication while working for the Town of Princeton? _____

_____ If not, please explain and offer suggestions, if possible _____

What did you like best about your position here? _____

What did you like least about your position here? _____

How similar to your position here is your new job? _____

What would you suggest to improve your department? _____

What would you suggest to improve your position? _____

Are there any additional comments you wish to make about the Town of Princeton or your employment here?

Signature: _____ Date: _____

Town of Princeton Personnel Policy

Section 15. Revisions

1. The Board of Selectmen appointed the Planning Board as Special Municipal Employees on November 12, 1998.
2. The Board of Selectmen appointed the Board of Assessors as Special Municipal Employees on January 26, 1999.
3. The Board of Selectmen officially voted and unanimously accepted this personnel policy as written at a regularly scheduled meeting of the Board on March 1, 1999.
4. The Board of Selectmen officially voted to appoint a new Personnel Board on June 28, 1999.
5. The Board of Selectmen officially voted and unanimously accepted a new performance appraisal system for all town employees on June 28, 1999.
6. The Board of Selectmen officially voted and unanimously accepted a final report for job descriptions for all town employees on June 28, 1999.
7. The Board of Selectmen officially voted (8/23/99) and unanimously adopted a new section 9 & 10 of the Personnel Policy which outlines the Personnel Board and Executive Secretary responsibilities.
8. The Board of Selectmen officially voted (9/13/99) and unanimously approved to amend the health insurance sections 7.J.1. and 7.J.2.
9. The Board of Selectmen officially voted to change the title position of Executive Secretary to Town Administrator effective July 1, 2000.
10. The Board of Selectmen officially voted (7/31/00) and unanimously adopted revision #1 to this Personnel Policy.
11. The Board of Selectmen officially voted (8/13/01) and unanimously approved to amend section 12. Snow/Severe Weather Policy
12. The Board of Selectmen officially voted (9/10/01)) and unanimously approved to implement a new seat belt policy included in the appendix, Policy Statements
13. The Board of Selectmen officially voted (9/10/01) and unanimously approved to amend section C. Holiday leave 7.C.4
14. The Board of Selectmen officially voted (2/24/03) and unanimously approved to amend section 7.B.1 Vacation leave to read employees will receive 20 vacation days after 10 years

Town of Princeton Personnel Policy

service and twenty-five vacation days after 20 years service

15. The Board of Selectmen officially voted (2/24/03) and unanimously approved to amend section 7.A.3 Sick leave to read employees may accrue up to 110 days sick leave
16. The Board of Selectmen officially voted (2/24/03) and unanimously approved to accept a new 13-step wage scale with 3% increments. This replaces a 19 step scale with 2% increments.
17. The Board of Selectmen officially voted (5/17/04) and unanimously approved to amend section 7.E Jury Duty
18. The Board of Selectmen officially voted (5/17/04) and unanimously approved to amend section 7.D Personal Leave of Absence
19. The Board of Selectmen officially voted (5/17/04) and unanimously approved to amend section 6. Grievances
20. The Board of Selectmen officially voted (6/14/03) and unanimously approved to accept a new compensation plan which excludes steps but keeps pay grades and a appropriate pay range for merit raises.
21. The Board of Selectmen officially voted (6/28/04) and unanimously adopted revision #2 to this Personnel Policy to be effective on 7/1/04
22. The Board of Selectmen officially voted (4/4/05) and unanimously approved to amend Section 7.A.3 Sick Leave to be effective July 1, 2005.
23. The Board of Selectmen officially voted (6/13/05) and unanimously approved to amend Section 3.C Equal Opportunity Employment – Drug Free Workplace/Drug Alcohol testing policy to include any employee who holds a hoisting engineer license be defined as a “safety sensitive employee”. All safety sensitive employees may be randomly tested for alcohol or substance abuse. To be effective immediately.
24. The Board of Selectmen officially voted (8/22/05) and unanimously approved to delete Section 7.J.3. that offered health insurance to elected officials and add the words “Elected Officials are not eligible for the Town’s health insurance program.” To be effective immediately.
25. The Board of Selectmen officially voted (1/9/06) and unanimously approved to amend Section 8.A Reimbursements/Travel by raising the mileage rate to .30 per mile effective July 1, 2006.

Town of Princeton Personnel Policy

26. The Board of Selectmen officially voted (5/30/06) and unanimously approved to amend Section 12 Snow/Heat/Severe Weather Policy to be effective July 1, 2006.
27. The Board of Selectmen officially voted (5/30/06) and unanimously approved to amend Section 7 Employee Benefits by adding 7.O Workers Compensation Guidelines and appropriate forms effective July 1, 2006.
28. The Board of Selectmen officially voted (5/30/06) and unanimously adopted revision #3 to this Personnel Policy to be effective on 7/1/06
29. The Board of Selectmen officially voted (2/20/07) and unanimously adopted a 40 cent per mile rate for private auto use for employees while on town business effective July 1, 2007.
30. The Board of Selectmen officially voted (5/30/07) and unanimously adopted a longevity plan for town employees effective July 1, 2007.
31. The Board of Selectmen officially voted (6/23/08) and unanimously adopted a change in the Snow/Heat/Severe Weather policy (section 12) for town employees effective July 1, 2008.
32. The Board of Selectmen officially voted (9/15/08) and unanimously adopted revision #4 to this Personnel Policy to be effective on 7/1/08.
33. The Board of Selectmen officially voted (10/17/16 and 10/19/16) and unanimously adopted a change in the Equal Employment and Sexual Harassment sub-sections (section 3), and accordingly replaced Appendix E with a comprehensive Equal Employment Opportunity, Discrimination, and Sexual Harassment Policy.

Town of Princeton Personnel Policy

Appendix

Policy Statements

- A. Drug and Alcohol Testing Policy
- B. Family and Medical Leave Policy
- C. Seat Belt Policy
- D. Severe Weather Policy – Princeton Library (Adopted June 2006)
- E. Equal Employment Opportunity, Discrimination, and Sexual Harassment Policy
(Revised October 2016)
- F. Small Necessities Leave Act (SNLA)
- G. Special Municipal Employee Definition
- H. Workers Compensation Guide for Injured Workers & Forms
 - 1. Form 101
 - 2. Medical Only Report of Injury
 - 3. Incident Report for Record Only

TOWN OF PRINCETON

ALCOHOL AND DRUG TESTING POLICY

I. PURPOSE AND SCOPE

The purpose of this Policy is to outline the responsibilities of employees, supervisors and managers with regard to alcohol and drug testing of employees in safety-sensitive positions in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991.

II. APPLICABILITY

This Policy applies to all safety-sensitive employees employed by the TOWN OF PRINCETON (the "Town").

III. DEFINITIONS

Words or phrases used in this Policy are defined in 49 CFR 382.107 or, if not defined in that Section, 49 CFR 40.3, 40.73, 386.2 and 390.5.

Safety-sensitive – For the purposes of this Policy, safety-sensitive shall refer to all employees required by the Town to obtain and retain a Commercial Drivers License ("CDL") and for those who hold a Hoisting Engineer's License.

IV. POLICY REGARDING ALCOHOL AND DRUG TESTING

- A. It is the policy of the Town to comply fully with the federal regulations mandating pre-employment (drugs, only), random, reasonable suspicion and post-accident alcohol and drug testing in accordance with regulations issued by the U.S. Department of Transportation. This Policy generally explains the requirements of the regulations, and the Town's application of them to the CDL workforce. *
- B. The performance of safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.02 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four (4) hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken.
- C. Use of controlled substances by drivers covered by the Policy is prohibited, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely effect the driver's ability to safely operate a commercial motor vehicle.

*Personnel transactions are under the Appointing Authority and not the CFR.

D. A driver is performing a safety-sensitive function at the following times:

- (a) All time on Town property, public property, or other property waiting to be dispatched or to drive.
- (b) All time inspecting, servicing or conditioning any commercial motor vehicle at any time.
- (c) All driving time.
- (d) All time other than driving time in any commercial motor vehicle.
- (e) All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded.
- (f) All time spent performing driver requirements relating to accidents.
- (g) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

V. PROCEDURES

A. TYPES OF TESTS

To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. The following tests are required:

1. Pre-employment (Pre-use). All applicants for employment in positions requiring a CDL are subject to screening for controlled substances, or candidates for transfer or promotion to such a position (pre-use) are subject to screening for improper use of controlled substances.
2. Post-Accident. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene. Tests will be conducted after accidents on drivers in Town vehicles in an accident where a citation for a moving traffic violation was given the driver, and for all fatal accidents even if the driver is not cited for a moving traffic violation. Alcohol tests should be conducted within 2 hours, but in no

case more than 8 hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug test must be conducted within 32 hours.

3. Reasonable Suspicion. Tests will be conducted when a supervisor or manager observes behavior or appearance that is characteristic of alcohol or drug use. If a driver's behavior or appearance suggests alcohol or drug use, a reasonable suspicion test must be conducted. If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours. Testing for alcohol abuse must be based upon suspicion, which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with the Director of Public Works or his/her designee.
4. Random. Tests will be conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol, or at any time for drugs. Each year, the number of random alcohol test conducted by the Town must equal at least 25% of all the safety-sensitive drivers. Random drug tests conducted by the Town must equal at least 50% of all safety-sensitive drivers.
5. Return to Duty and Follow-up. Tests will be conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty.

B. CONDUCTING TESTS

1. Alcohol. DOT rules require breath testing using evidential breath testing (EBT) devices. Two (2) breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted.

2. Drugs.

- (a) Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements will ensure that the specimen's security; proper identification and integrity are not compromised.
- (b) DOT rules require a split specimen procedure. Each urine specimen will be subdivided into two (2) bottles labeled as primary and split. Both bottles will be sent to the laboratory. Only the primary specimen will be opened and used for the urinalysis. The split specimen will remain sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver will have 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
- (c) All urine specimens will be analyzed for the following drugs:
 - Marijuana (THC metabolite)
 - Cocaine
 - Amphetamines
 - Opiates (including heroin)
 - Phencyclidine (PCP)
- (d) Testing will be conducted using a two-stage process. First, a screening test will be performed. If the test is positive for one or more of the drugs, a confirmation test will be performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
- (e) All drug tests will be reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine.

specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If the MRO determines that the drug use is legitimate, test will be reported to the Town as a negative result.

3. Refusal to Submit to an Alcohol or Drug Test and the Consequences.

Refusal to submit (to an alcohol or controlled substances test) means that a driver (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this Policy, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this Policy, or (3) engages in conduct that clearly obstructs the testing process.

Employees who refuse to submit to an alcohol or drug test will not be allowed to perform safety-sensitive functions. Employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

C. CONSEQUENCES OF ALCOHOL/DRUG MISUSE

1. Safety-sensitive employees who have any alcohol concentration (defined as 0.02 or greater) who are tested just before, during or just after performing safety-sensitive functions will be removed from performing such duties for 24 hours, and placed on administrative leave without pay.

Disciplinary action may be imposed upon an employee whose alcohol test reveals any alcohol concentration of 0.02 and above.

2. Drivers who engage in prohibited alcohol or drug conduct, that is, who test positive for alcohol use of 0.02 or greater or drug use, shall be immediately removed from safety-sensitive functions, and placed on administrative leave without pay.

Drivers who are serving a probationary period will be terminated immediately. Non-probationary drivers will be

subject to discipline, up to and including discharge. Non-probationary drivers who are not terminated will be required to comply with Section 3 below. Non-probationary drivers who fail to complete the requirements of Section 3 will be terminated.

3. Drivers who engage in prohibited alcohol or drug conduct who wish to continue employment with the Town must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). Employees referred to a rehabilitation program will be placed on non-occupational sick leave or medical leave without pay status during the treatment period, whichever is appropriate.
4. Only drivers who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02 for alcohol or are drug free, and who are then subject to unannounced follow-up tests, may return to work.
5. Any driver who tests positive for either alcohol or drug use in a Post-accident, Random, or Follow-up test (after returning to safety-sensitive duty), will be placed immediately on administrative leave without pay. If a driver tests positive during a Return-to-duty test, he/she will continue on administrative leave without pay until a subsequent Return-to-duty test provides a negative result, and the employment status of said driver will be subject to review. If a driver is referred by his supervisor or manager for Reasonable Suspicion testing, the driver will be placed immediately on administrative leave without pay upon receipt of the referral and before the test is conducted.
6. If a driver who has been placed on administrative leave without pay tests negative for alcohol or drug use in any of the tests referred to in paragraph 5, above, the driver will be reimbursed for all pay and benefits lost during that administrative leave period.

D. INFORMATION/TRAINING

1. All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug use. All employees must receive a copy of this Policy and sign the Confirmation of Receipt (*Attachment A*).
2. All supervisory and management personnel in the Department of Public Works must attend at least two (2) hours of training on alcohol and drug use symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, ongoing training will also occur after implementation of the policy.
3. This policy will be posted on employee bulletin boards and will be available to all employees.
4. Educational information will be made available periodically which will focus on (a) the potentially dangerous effects of alcohol and drug use and abuse on an individual's health, work and personal life; (b) signs/symptoms of an alcohol or drug problem; (c) methods of intervening when an alcohol or drug problem is suspected; (d) the procedures associated with pre-employment drug screening and "reasonable suspicion" testing; (e) the effects on job performance measured in loss of productivity; and (f) the potential safety hazards presented to the individual employee, other employees and the public.
5. All recruitment advertising for CDL drivers will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.
6. All final candidates for CDL employment will be given a copy of this Policy, and be given the opportunity to read the policy in its entirety.

E. RECORD KEEPING

1. The Town will keep detailed records of its alcohol and drug misuse prevention program.

2. Driver alcohol and drug testing records are confidential to the extent required by law. Test results and other confidential information may only be released to the employer, the substance abuse professional, the MRO, and any fact finder in a proceeding resulting from, or in connection with, the testing program.

F. PRE-EMPLOYMENT REFERENCES

1. The Town must obtain and review the following information from each employer that the prospective driver worked for, in a safety-sensitive position, during the previous two (2) years: information about a test in which the employee's blood alcohol was 0.02 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.
2. The prospective employee must provide the former employer with a written release allowing the release of this information or he/she will not be considered for employment.
3. If the previous employer indicates that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has already consulted with a substance abuse professional, already received recommended treatment, and subsequently tested negative in a return to duty test for the former employer.
4. The Town must provide the same information to subsequent employers of current Town employees when provided with a written release.

G. QUESTIONS

Questions about this policy should be referred to the Town Administrator.

H. ADMINISTRATION OF POLICY

The Town Administrator shall administer this Policy. The Town Administrator may delegate the responsibility for such administration to the Director of Public Works.

I. RULES AND REGULATIONS

The Board of Selectmen may adopt rules and regulations, in accordance with federal law, to implement this Policy.

Proposed by the Town Administrator

DERENDON

Date: 5/30/06

ADOPTED by the Board of Selectmen

Date: 05/30/06

Addendum to Alcohol and Drug Testing Policy 1/9/1996

The Board of Selectmen hereby amend the Alcohol and Drug Testing Policy by adding the following underlined clauses to Paragraph V, section A.2:

V. Procedures

A.2. Post – Accident

An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, a vehicle being required to be towed from the scene, or property damage. Test will be conducted after accidents on drivers in Town vehicles in an accident where a citation for a moving violation was given the driver, and for all fatal accidents even if the driver is not cited for a moving traffic violation, and for any accident resulting in property damage. Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within 32 hours.

TOWN OF PRINCETON

EMPLOYEE CONFIRMATION OF RECEIPT

I hereby certify that I was given a copy of the Town's Alcohol and Drug Testing Policy, and have been given an opportunity to ask questions of my supervisor about the content of the policy.

Employee's Name

Division

Employee's Signature

Date

TOWN OF PRINCETON
FAMILY & MEDICAL LEAVE POLICY

1. Family & Medical Leave

A. Introduction

Family and Medical Leave under Federal law is an unpaid employee leave of absence. This Family and Medical Leave Policy complements, and is coordinated with sick leave, vacation, or other paid and unpaid leave policies of the Town.

B. Eligibility¹

An employee will be eligible to seek a Family and Medical Leave if:

1. The employee has worked for the Town at least twelve (12) months, and
2. The employee has worked at least 1,250 hours during the twelve (12) months before the leave.

C. Types of Family & Medical Leave

1. Employees may qualify for Family and Medical Leave for any of the following reasons:
 - a. Birth, adoption, or foster care placement of a child and for care of that child (leave must be completed within twelve (12) months of the child's birth, adoption, or foster care placement);
 - b. Leave to care for a seriously ill or injured spouse, parent, or child under age eighteen (18) (or eighteen (18) years old or over who is incapable of self-care); or
 - c. Leave because of an illness or injury that makes the employee unable to perform his/her job.
2. The injury or illness must be a "serious health condition." "Serious health condition" means any illness, injury, impairment which involves:
 - a. Inpatient hospitalization;

¹ In some circumstances, employees who do not meet these conditions may be eligible to take leave for the purpose of giving birth or for adopting a child as determined by state law.

- b. Continuing treatment by a health care provider which involves incapacity caused by a health condition which lasts for more than three (3) days and requires health care visits and/or continuing treatments;
- c. Pregnancy or prenatal care;
- d. A chronic, serious health condition which requires periodic visits for health care; or
- e. A permanent or long-term condition requiring medical supervision.

D. Notice & Scheduling of Family and Medical Leave

1. At least thirty (30) days' written notice of Family and Medical Leave should be given to the Town Administrator whenever possible. Where an employee cannot give the full amount of advance notice, the employee should give as much notice as possible under the circumstances.
2. 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 the Town, subject to the health care provider's approval. An employee generally should consult with his/her supervisor to explore alternatives.

E. Confirmation of Leave

1. Employees requiring leave must provide the Town with the reason for their request of leave so that the Town can determine if the leave qualifies as Family and Medical Leave. After an employee gives notice of intent to take a Family and Medical Leave, the Town will give the employee a memorandum confirming receipt of the notice of the leave and setting forth some of the basic procedures and responsibilities of both the employee and the Town. This memorandum is considered part of this policy. It will notify the employee as to whether the leave is approved, denied, or conditionally approved, pending medical certification.
2. Employees requesting a leave for personal or family medical reasons will generally be required to provide a medical certification. Under most circumstances, it must be provided within fifteen (15) calendar days. Further medical verifications may be required during the leave, depending upon circumstances. Employees on leave may be contacted periodically for updates concerning their status and intent to return. Employees are expected to be fully responsive to such requests for updates.

F. Length of Leave and Restoration Rights

1. In general, an employee will be entitled to a maximum of twelve (12) weeks of Family and Medical Leave during any twelve (12) month period. The twelve (12) months period is a rolling period measured backward from the date an employee last used any leave under this policy.
2. At the end of a Family and Medical Leave, the employee will have the right to return to his or her last position before the leave or, if legally abolished, to an equivalent position. While on unpaid Family and Medical Leave, employees shall not accrue vacation, sick leave, or personal leave. However, the employee will not lose any benefit rights to the extent that those rights accrued before the leave period.
3. An employee will not be entitled to a more favorable employment term as a result of taking a Family and Medical Leave than he/she would have had if no leave had been taken. The employee will be subject to any pay or benefit reductions or other adverse actions, including layoff that would have been experienced if the employee had not been on Family and Medical Leave.

G. Intermittent or Reduced Work Schedule Leave

Unless otherwise approved by the Town, a childcare leave must be taken at one time. A medical leave may be taken through either a reduced working schedule or on an intermittent basis, if such an arrangement is certified to be medically necessary. Where an employee takes leave on a reduced work schedule or intermittent basis, the Town may transfer the employee temporarily to an available, alternative position with equivalent pay and benefits, if it better accommodates the recurring periods of leave.

H. Special Rules Applicable to Spouses Who Are Both Employed by the Town

If the Town employs both spouses, the birth, adoption, and childcare leave to which both will be entitled under this leave policy, will be a total of twelve (12) weeks in any twelve (12) month period.

I. Medical Certification Before a Return to Work

Before an employee may return from a personal medical leave that has continued for at least five (5) calendar days, the employee's health care provider may be required to certify that the employee is able to resume his/her job.

J. Coordination with Available Paid Leave Time

Family and Medical Leave is not paid leave, except to the extent that an employee is eligible for paid leave under unused sick, vacation or personal time. Where an employee is eligible for leave under those policies, the Town requires the paid leave to run concurrently with, not in addition to, the Family and Medical Leave.

K. Maintenance of Health Benefits

During a Family and Medical Leave, the Town will continue the employee's medical and life insurance coverage, provided that the employee pays the regular employee's share, if any, of such coverage on a timely basis. During any paid leave, the employee's share of the premiums will be deducted from the employee's pay. During the unpaid portion of the Family and Medical Leave, the employee will be required to pay the employee's share either prior to commencing unpaid leave or through a special billing arrangement while on unpaid leave. The Town should be contacted by the employee prior to going on the unpaid leave to make the appropriate payment arrangements. If any payment due is more than thirty (30) days late, the Town may cease providing the benefits until the employee returns to work.

L. Administrative Procedures

The Town may prescribe administrative procedures to carry out this policy.

SEAT BELT POLICY

A significant number of Princeton Town employees operate cars, trucks and other municipal mobile equipment in the course of their work. Driving places heavy demands upon an employee's alertness, judgment and skill. Driving errors can be costly to the Town but of greater importance is the potential that exists for serious injuries to the employee and members of the general public.

Town vehicles are easily identified as such and constitute a traveling advertisement seen by many citizens. Wearing safety belts will save lives and reduce injuries while serving as an example to the general community of the importance of safety belt use.

Therefore, the Town of Princeton implements the following policy in place of the current Seat Belt Policy (per *Massachusetts Safety Belt Law*; Chapter 90, Section 13A, Section 2-2/1/94).

All Princeton Town employees are required to wear safety belts while operating or riding in Town owned or leased vehicles or in other vehicles, including personal vehicles, while engaged on Town related business. The Select Board insists that all Town employees comply with this policy.

State Contact Office:

Governor's Highway Safety Bureau
Ten Park Plaza
Suite 3720
Boston, MA 02116
617-725-3301

Appendix

Princeton Library Snow/Heat/Severe Weather Policy

In accordance with the policy adopted by the Trustees of the Goodnow Memorial Building, the Princeton Library will be closed when the Wachusett Regional School District is closed due to a snowstorm or other severe weather. When this happens, the Library Director may decide to open the Library later in the day if the weather improves. She/he may also decide to close late in the day or close on a Saturday due to severe weather.

Under such circumstances, Library employees will be paid for their regularly scheduled hours of work for that day. Employees who are on vacation, have taken a personal day, are out sick or who were not scheduled to work on such a day will not be credited for those hours during which working employees were released.

**EQUAL EMPLOYMENT OPPORTUNITY, DISCRIMINATION,
AND SEXUAL HARASSMENT POLICY
FOR THE TOWN OF PRINCETON**

I. Introduction

It is the policy of the Town of Princeton ("the Employer") to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination (including harassment), whether based upon race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, gender identity, active military status, or another basis prohibited under state or federal anti-discrimination statutes, will not be tolerated. To achieve our goal of providing a workplace free from discrimination, we will implement the procedure described below to address any potential inappropriate conduct.

This policy applies to all employment practices and employment programs sponsored by the Employer. This policy shall apply, but not be limited to, the areas of:

- Recruitment,
- Selection,
- Compensation and benefits,
- Professional development and training,
- Reasonable accommodation for disabilities or religious practices,
- Promotion,
- Transfer,
- Termination,
- Layoff, and
- Other terms and conditions of employment.

This policy may apply to discrimination (including harassment) that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media). When the conduct complained of occurs outside of the workplace, the Employer may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this policy:

- whether the event at which the conduct occurred is linked to the workplace in any way, such as at an Employer-sponsored function;
- whether the conduct occurred during work hours;
- the severity of the alleged outside-of-work conduct;
- the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
- whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

Because the Employer takes allegations of unlawful discrimination and harassment seriously, we will respond promptly to complaints 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 necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of discrimination and harassment, **the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the legal definitions of discrimination or harassment.**

II. Examples of Prohibited Discriminatory Behaviors

It is not possible to list all the circumstances that may constitute discrimination in violation of this policy. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted in the first paragraph above: slurs or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures, and; any conduct constituting sexual harassment.

III. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this:

"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;
- or,
- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. The victim or complainant as well as the harasser may be male or female. The victim or complainant does not have to be of the

opposite sex. The complainant does not have to be a person directly harassed, but may be someone affected by the offensive conduct.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences, and;
- Discussion of one's sexual activities.

Special care should be taken with respect to one's conduct and comments in the presence of minors. As a general rule, all conduct or comments of a sexual nature in the presence of minors shall be considered a violation of this policy, whether or not such conduct or comments are unwelcome.

All employees should take special note that, as stated below, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Employer.

IV. Complaints of Sexual Harassment

If any of our employees believes that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting Nina Nazarian, Town Administrator. If you prefer, you may file your complaint with Michele Powers, Chief of Police. These persons are also available to discuss any concerns you may have and to provide information to you about this policy and our complaint process.

V. Sexual Harassment Investigation

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our

investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where appropriate we will also impose disciplinary action.

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation.

VI. Complaints Concerning Other Forms of Discrimination and/or Harassment

Complaints alleging forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with Sections IV and V, above.

VII. Retaliation

Any retaliation against an individual who has formally or informally complained about discrimination (including harassment), or has cooperated with an investigation of a discrimination complaint, is prohibited.

Retaliation can be overt or subtle. Retaliation may include, but is not limited to, treating a complainant or witness differently, more harshly or in a hostile manner; physical interference with movement such as blocking a path; derogatory comments or action which would tend to have a chilling effect on other complainants; sudden investigations of the complainant's private life, or; sudden strict enforcement of work rules. Retaliation in any form will not be tolerated.

VIII. Disciplinary Action

If it is determined that discrimination, harassment, retaliation, or other inappropriate conduct has been committed by one of our employees, the Employer will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions, **up to and including termination of employment.**

IX. State and Federal Remedies

In addition to the above, if you believe you have been subjected to unlawful discrimination and/or 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 – 300 days; MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: (800) 669-4000
TTY: (800) 669-6820

2. **The Massachusetts Commission Against Discrimination**

Boston Office One Ashburton Place Sixth Floor, Room 601 Boston, MA 02108 Phone: 617-994-6000 TTY: 617-994-6196	Springfield Office 436 Dwight Street Second Floor, Room 220 Springfield, MA 01103 (413) 739-2145
Worcester Office Worcester City Hall 455 Main Street, Room 100 Worcester, MA 01608 (508) 799-8010 (508) 799-8490 - FAX	New Bedford Office 800 Purchase St., Rm 501 New Bedford, MA 02740 (508) 990-2390 (508) 990-4260 - FAX

X. Reasonable Accommodation

Employees seeking reasonable accommodations may submit their request in writing to Nina Nazarian, Town Administrator.

XI. Equal Employment Opportunity Statement

The Employer will not discriminate in its employment practices, on the basis of race, color, gender, national origin, religious creed, ancestry, age, sexual orientation, gender identification, disability, maternity leave, genetic information, active military status, or another basis prohibited under state or federal anti-discrimination statutes. This shall include such areas as recruitment, selection, compensation and benefits, professional development and training, reasonable accommodation for disabilities or religious practices, promotion, transfer, termination, layoff, and other terms and conditions of employment.

SMALL NECESSITIES LEAVE ACT
MASSACHUSETTS GENERAL LAW (M.G.L.) CHAPTER 149, SECTION 52D

The Small Necessities Leave Act permits eligible employees to take up to a total of 24 hours of leave within a 12-month period to attend a child's school activity or accompany a child or elderly relative to a doctor's appointment. The legislated effective date of this act is August 4, 1998.

➤ THE LAW

The Small Necessities Leave Act permits an employee leave for the following purposes:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference or interviewing for a new school;
- To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
- To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes.

The 24 hours of leave available under this benefit are in addition to the 12 weeks of leave provided for under the federal Family and Medical Leave Act. The 24 hours may be taken within the 12-month calendar year period and the time may be taken on an intermittent (i.e. 2 hours to attend a parent-teacher conference) or reduced-time schedule.

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

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

A department may require that written certification or documentation support a request for leave under this act.

DEFINITIONS

Son or daughter ... any child under 18 who is the biological child of the employee, who is adopted by the employee, or whom the employee supervises on a day to day basis and for whom the employee is financially responsible. A "son or daughter" is also a child over 18 who is incapable of self-care because of a mental or physical disability.

Elderly relative ... an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent.

School ... a public or private elementary or secondary school, a Head Start program, or a children's day care facility.

Federal Act ... the Family and Medical Leave Act (FMLA) of 1993. Unless this section provides otherwise, the terms of FMLA shall apply to leave under this section.

Eligible employee ... an employee must have been employed by the University of Massachusetts Amherst for 12 months at the time the leave is to begin.

Also an employee must have worked at the University for at least 1,250 hours during the 12-month period prior to the beginning of the leave.

12-month period ... for the purposes of FMLA and this act, the University has defined the 12-month period as the calendar year (January 1 through December 31).

CONTINUATION OF BENEFITS

A leave of absence of no more than 24 hours may affect:

Time & Attendance Accruals

Effective date of a step-increase

Creditable service calculations for retirement

Questions regarding this benefit may be directed to the Division of Human Resources at (413) 545-6115.

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XXI. LABOR AND INDUSTRIES

CHAPTER 149. LABOR AND INDUSTRIES

FAIR COMPETITION FOR BIDDERS ON CONSTRUCTION, ETC., OF PUBLIC WORKS

PRIVATE EMPLOYMENT

Chapter 149: Section 52D. Family and medical leave; enforcement

Section 52D. (a) As used in this section, terms shall have the meanings assigned to them by the federal act, notwithstanding any contrary provision of section 1 of this chapter. In addition, the following terms shall have the following meanings:

“Elderly relative”, an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent.

“Federal act”, sections 101 to 105, inclusive, of the Family and Medical Leave Act of 1993, 29 U.S.C. sections 2611 to 2615, inclusive, as it may be amended.

“School”, a public or private elementary or secondary school; a Head Start program assisted under the Head Start Act, 42 U.S.C. sections 9831 et seq.; and a children’s day care facility licensed under chapter 28A.

(b) An eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period, in addition to leave available under the federal act, to:

(1) Participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;

(2) Accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and

(3) Accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder’s care, such as interviewing at nursing or group homes.

(c) Unless this section provides otherwise, the terms of the federal act shall apply to leave under this section. As provided in section 102(d)(2)(A) of the federal act, 29 U.S.C. section 2612(d)(2)(A), an eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical

or sick leave of the employee for any of the leave provided under this section, but nothing in this section shall require an employer to provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide any such paid leave. Leave under this section may be taken intermittently or on a reduced leave schedule.

(d) If the necessity for leave under this section is foreseeable, the employee shall provide the employer with not less than seven days' notice before the date the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable.

(e) An employer may require that a request for leave under this section be supported by a certification issued at such time and in such manner as the attorney general may by regulation require.

(f) The attorney general shall enforce this section, and may obtain injunctive or declaratory relief for this purpose. Violation of this section shall be subject to the second paragraph of section 150 and to section 180.



STATE ETHICS COMMISSION

COMMISSION SUMMARY NO. 16 **"SPECIAL" MUNICIPAL EMPLOYEES"**

The conflict of interest law, G.L. c. 268A, covers all municipal officials and employees, whether elected or appointed, paid or unpaid, full-time or part-time. However, two sections of the conflict law apply less restrictively to those part-time or unpaid municipal officials who have been designated as "special municipal employees."

"Special municipal employee" status can be assigned to certain municipal positions by a vote of the board of selectmen, board of aldermen, town council or city council. Several specific municipal positions are automatically designated as "special" under the law. Your position is eligible to be designated as a "special municipal employee" position provided that:

1. you are not paid; or
2. you hold a part-time position which allows you to work at another job during normal working hours; or
3. you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

It is the municipal position that is designated as having "special" status, not the individual. Therefore, all employees holding the same office or position must have the same classification as "special municipal employees". For instance, one member of a school committee cannot be classified as a "special" unless all members are similarly classified.

The designation may be made by a formal vote of the board of selectmen, board of aldermen, town council or city council at any time. Votes should be taken individually for each board or position being designated -- expressly naming the positions being designated. Once a position is designated as having "special" status, it remains a "special municipal employee" position unless and until the classification is rescinded. A list of all the "special municipal employee" positions should be on file at the town or city clerk's office. This list should also be filed with the Ethics Commission.

Under no circumstances may a mayor, city councillor, town councillor, alderman, or selectman in a town with a population of more than 10,000 be designated as a "special". However, in towns of 10,000 or less, selectmen are automatically considered "special" employees. Other municipal positions in towns with a population of less than 10,000 must still be designated as "special municipal employee" positions by the selectmen.

The Legislature may also designate certain positions to have "special municipal employee" status. For example, board members and part-time employees of local housing and redevelopment authorities are defined by law as "special municipal employees" and do not need to have local authorities approve their designation as "specials". (See G.L. c. 121B, §7.)

THE CONFLICT LAW IS LESS RESTRICTIVE FOR "SPECIALS"

Only two sections of the conflict of interest law apply less restrictively to "specials" -- §§ 17 and 20. All other sections of the conflict law that govern regular municipal employees apply to "special municipal employees" in exactly the same way. See the Summary of the Conflict Law for Municipal Managers or the Practical Guide to the Conflict Law for Municipal Employees for information on your responsibilities under the law (these publications are available from the State Ethics Commission). Remember that even if you serve on an unpaid part-time board or commission, you are still considered a regular municipal employee, unless your position has been expressly designated as having "special municipal employee" status.

Section 17 - Acting on Behalf of Others

Section 17 generally prohibits municipal employees from representing a private party before municipal boards or departments. It also prohibits municipal employees from acting as agent (or attorney) for a private party in connection with any matter of direct and substantial interest to their city or town. Finally, it prohibits municipal employees from accepting pay or other compensation in connection with any matter of direct and substantial interest to their municipality.

However, if you are a "special municipal employee", you may:

1. represent private parties before municipal boards other than your own, provided that you have not officially participated in the matter and the matter is not now (and was not within the past year) within your official responsibility;
2. act as agent for private parties in connection with a matter of interest to your city or town, provided that you have not participated in the matters as a municipal official, and that the matter is not (and has not been, during the past year) within your official responsibility; and
3. receive pay or other compensation in connection with matters involving your city or town, provided that you have not officially participated in the matters and they are not (and have not been, within the past year) within your official responsibility.

Example: You are a Conservation Commissioner. The Commission has been given "special municipal employee" status. You are also an engineer in private practice in town.

You may be hired as site engineer and represent a private development company at a Planning Board hearing, as long as the hearing does not in any way involve Conservation Commission matter.

However, if the hearing is about a wetlands dispute, you could not represent the developer before the Planning Board because the matter is under your official responsibility as Conservation Commissioner.

Also, if you prepare site plans, blueprints, structural analyses or other professional documents, you may not allow the developer to submit those materials to the Conservation Commission (or to any other municipal boards, in connection with matters under the Conservation Commission's responsibility).

Also, you may not be paid for giving the developer advice about how to get his project approved by the Conservation Commission, or for any other activity related to the Conservation Commission review process.

Note that the prohibition against "acting as agent" covers any type of activity that involves representing someone other than your city or town. Activities which can be considered "acting as agent" include: serving as someone's spokesperson; making phone calls or writing letters; acting as a liaison; affixing professional seals or signing supporting documentation; and participating as an electrician, plumber or other contractor during municipal building inspections. For more information about §17, request Advisory No. 13: Municipal Employees Acting as Agent from the State Ethics Commission.

Section 20 -- Restrictions on Having an Interest in Contracts with your City or Town

Section 20 generally prohibits municipal employees from having a direct or indirect financial interest in a contract with their city or town. However, there are many exemptions in this section of the law. For instance, a municipal employee may own less than 1% of the stock of a company that does business with the municipality.

Also, a municipal employee may have a financial interest in a contract with a municipal department which is completely independent of the one where he works, provided that the contract has been publicly advertised or competitively bid, and the employee has filed a disclosure of his interest in the contract with the city or town clerk. Note that there are additional requirements for personal services contracts: contact your town counsel or city solicitor or the State Ethics Commission's Legal Division for more information.

However, if you are a "special municipal employee", you have two additional exemptions to §20:

1. As a "special municipal employee", you may have a financial interest in a contract with a department which is completely independent of the one where you work, provided that you file a disclosure of your interest in the contract with the city or

town clerk (there is no "public notice" or "competitive bid" requirement for this "special municipal employee" exemption).

2. As a "special municipal employee", you may even have a financial interest in a contract with your own department (or with a department which has overlapping jurisdiction with your department), provided that you file a disclosure of your interest in the contract with the city or town clerk and the board of selectmen, board of aldermen, town council or city council vote to grant you an exemption to §20.

Example: You are a member of the School Committee, which has been given "special municipal employee" status. You also own a hardware store in town.

You may sell light bulbs to the town's Department of Public Works, because Public Works is not under the jurisdiction of the School Committee; however, you must file a disclosure of your interest in the lightbulb sales with the Town Clerk.

You also may sell light bulbs to the School Department (which is under the School Committee's jurisdiction), but only if you file a disclosure of your interest in the lightbulb sales with the Town Clerk and the Board of Selectmen vote to exempt your lightbulb sales from the restrictions of §20.

For more information about restrictions on holding an interest in municipal contracts, contact your city solicitor or town counsel or the Legal Division of the State Ethics Commission.

Section 20 -- Restrictions on Holding Multiple Municipal Positions

Because the restrictions of §20 also apply to employment contracts, municipal employees are generally prohibited from holding more than one municipal position. However, there are many exemptions to this general prohibition. If you are a municipal employee -- regular or "special" -- you may:

1. hold any number of unpaid positions, because you do not have a financial interest in any of the positions (however, if you hold even one paid appointed position, you must look for other exemptions);
2. hold any number of elected positions, whether paid or unpaid, because you serve in those positions by virtue of your election, rather than because of an appointment or employment contract (however, if you hold even one paid appointed position, you must look for other exemptions); and
3. in some instances, you may hold more than one paid appointed position, provided that the jobs are in separate departments (which do not have overlapping responsibilities) and all paid jobs have been publicly advertised. However, your board of selectmen, board of aldermen, town council or city council must vote to exempt you from §20, and there are also other requirements you must meet. For more information, request Advisory No. 7: Multiple Office Holding from the

State Ethics Commission, or contact your town counsel or city solicitor or the State Ethics Commission's Legal Division.

If you serve in a town with a population of less than 3,500, you may hold more than one position with the town if the board of selectmen formally approves the additional appointments.

If you are a "special municipal employee", you may also:

1. hold any number of other "special municipal employee" positions, provided that the positions are with totally independent departments and you file a disclosure of your financial interest in all the positions with the city or town clerk;
2. hold any number of other "special municipal employee" positions, even if the departments' jurisdictions overlap, provided that you file a disclosure of your financial interest in all the positions with the city or town clerk, and the board of selectmen, board of aldermen, town council or city council vote to exempt you from §20.

Example: As a Cemetery Commissioner, you are a "special municipal employee".

You may also hold "special municipal employee" positions on the Board of Library Trustees and on the Waterways Commission, because the three positions are completely independent of each other. However, you must file a disclosure of your financial interest (e.g., stipends, per diem payments, salary) in the positions with the Town Clerk.

If you wish to hold a "special municipal employee" position with the Department of Public Works (which maintains buildings on the cemetery grounds) or as the town's Tree Warden (who cares for the trees on the cemetery grounds), you must file a disclosure of your financial interest in the positions with the Town Clerk, and the Board of Selectmen must vote to exempt you from §20.

For more information about holding more than one municipal position, request Advisory No. 7: Multiple Office Holding from the State Ethics Commission, or contact your town counsel or city solicitor or the State Ethics Commission's Legal Division.

* * *

The definition of "special municipal employee" can be found in Section 1(n) of the conflict of interest law (G.L. c. 268A). Note that town councils are empowered by G.L. c. 39, §1 to exercise all duties and powers of boards of aldermen.

* * *

Commission Fact Sheets are prepared and issued by the Public Education Division of the State Ethics Commission. They are intended to provide guidance to public officials and employees concerning practical applications of the conflict law. For further information,

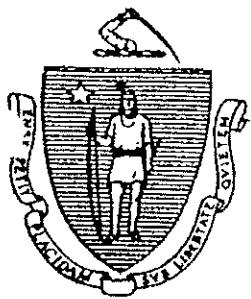
contact your town counsel or city solicitor, or the Legal Division of the State Ethics Commission.

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The Commonwealth of Massachusetts
Department of Industrial Accidents

Your Guide to the
**Massachusetts
Workers'
Compensation
System**

For injured
workers



WHAT IS WORKERS' COMPENSATION?

The Massachusetts Workers' Compensation system is in place to make sure that workers are protected by insurance, if they are injured on the job or contract a work-related illness.

Under this system, employers are required by Massachusetts law to provide workers' compensation (WC) insurance coverage to all their employees. This insurance pays for any necessary medical treatment related to the injury, and also pays partial compensation for lost wages, after the first five days of disability. By having this insurance, your employer is protected from being sued by you because of the injury. You may, however, sue a third party, in a civil suit.

If your claim is contested by the insurer, or if you do not get all the benefits you feel entitled to, or you if have other problems getting your workers' compensation benefits, the Department of Industrial Accidents (DIA) can help you.

This booklet will briefly describe what to expect if you are injured on the job. It will tell you what your responsibilities are and what the responsibilities of your employer and its insurance company are.

WHAT WE DO



The DIA is primarily an alternative court system, tasked with resolving disputed WC insurance claims. Our public information personnel can answer your questions about workers' compensation benefits and let you know the correct procedures to follow to receive these benefits.

It is important that you keep any documents your employer or its insurer sends you, and copies of any forms they have you fill out for them. If you call our information line please have these forms available, along with a pen or pencil and some notepaper. It would also be helpful to write out your questions in advance, so you don't forget to ask any questions you might have.

This booklet briefly explains your rights and responsibilities under the Massachusetts workers' compensation law. After you read it carefully, you should have a basic understanding of how our system works.

The Massachusetts workers' compensation law does not require the continuation of most fringe benefits, including health insurance. Talk to your personnel office about how your injury will affect your health insurance and such policies as the earning of sick and vacation time. These issues are not within the jurisdiction of the Department of Industrial Accidents. The MA workers' compensation law also does not require your employer to hold your job open, if they need to replace you while you are out. However, once you are able to return to work, Sec. 75A of the law requires your employer to give you preference in re-hiring, if a suitable job is available. See our web site for more information.

Please keep any and all records of your injury because you may need them if you become eligible to collect retirement, and/or Social Security benefits.

Important: The DIA has many 'numbered forms' that we require employers and insurers to use to keep you informed of actions they are taking on your claim. The DIA's phone number is on these forms, but if you have questions about the information on these forms, *call the Insurance Company's Claims Representative - not the DIA!*

WHERE TO START

When you are hurt on the job your **employer** begins the claim process. If you need medical attention your employer must notify its workers' compensation insurance company of the medical bills. The insurer (your employer's workers' compensation insurance company) will issue you an insurance card, with a claim number, which you will give to your doctor so the medical bills can be sent directly to the insurer. If you don't get this card promptly after your injury, contact the insurer. Most medical providers will be looking for this number. When you see a doctor or other health-care professional make sure you inform them that you are seeking treatment for a work-related injury. If they accept you as a patient, they are agreeing to bill the insurer for your treatment. The insurer is responsible for the entire bill; there is no co-payment you need to make.

If you are disabled, unable to earn your full wages for a period of five or more calendar days, your employer has to report your incapacity to its insurance company and to the DIA on an *Employer's First Report of Injury/Fatality* form (Form 101). These five days do not have to be consecutive, and any day you are totally or partially disabled is counted.

Your employer must furnish this report within seven calendar days, not including Sundays and legal holidays, after your fifth calendar day of incapacity. If you report the injury to your employer after you have already been disabled for five or more days, your employer is obligated to file the Form 101 within seven days of the day you actually reported the injury to them. If your employer does not send this report to the insurer, you should report the injury to the insurance company yourself. Your employer should have displayed in the workplace a poster, with the name and address of its WC insurer, and other information. If your employer does not have this poster up, and will not tell you the name of its insurance company, the DIA's office of insurance (x 405) will try to help you.

The **insurer** must begin to pay you for lost wages or send you a notice of denial that includes its reasons for the denial, within 14 days of receiving the Form 101 from your employer. This means you should start getting a check within three to four weeks after your injury. You will receive compensation for lost wages for any days you are disabled after the first five days. You are not compensated for the first five days of incapacity unless you are disabled for 21 days or more.

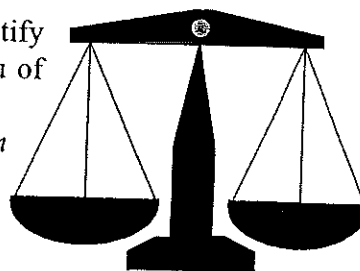
The insurer may pay benefits to you for up to 180 days without making a final decision on your case. This is referred to as the "Pay Without Prejudice" period. During this initial period the insurer may stop or reduce your payments by giving you seven days written notice of the termination or reduction. They must give the reasons for taking this action. If the insurer continues paying you past this period, they will, in most cases, need permission from you or a judge to stop or reduce your benefits.

Please note: The 180-day "Pay Without Prejudice" period can be increased by the insurer to one year, with your written consent, on a Form 105 "Agreement to Extend 180 Day Payment Without Prejudice". The Department must approve the Form 105. You should make sure you are aware of all your rights before giving your consent, or signing any other document.

WHAT IF YOUR CLAIM IS DENIED?

If the insurer decides to deny the initial claim for benefits, it must notify you by certified mail of the denial, telling you its reasons, and must tell you of your right to appeal the denial by filing a claim with this department.

Your claim **must** be submitted on a Form 110 *Employee's Claim Form*. The form must be filled out **completely and accurately**. Forms are available on our web page <www.mass.gov/dia>, and at any DIA office; or call our Public Information Office, 617-727-4900, ext. 470. This form is the same one you would file if the insurer began paying you for lost wages and then later notified you



that they were stopping or reducing your benefits.

There are documents that need to be attached to the claim form. A list of the required documents is contained on our web site, along with other information about filing a claim with us. If you cannot get access to a computer, you can get help from our Information Office, or at a law library. At minimum, you need to attach any and all evidence that supports your claim, including medical bills, medical reports that document your injury and that it is related to your work injury or illness.

Once you complete the claim form, attach the required documents, then submit the claim package to the DIA, 600 Washington St., 7th Floor, Boston, MA 02111 (the address is printed on the top of the form). **DO NOT SUBMIT CLAIM FORMS TO A REGIONAL OFFICE! All claim forms must be submitted to the Boston Office.**

You must also send a copy to the insurer. By law your employer must provide you with the name and address of the insurer. If your employer refuses to provide this information, or they do not have workers' compensation insurance, notify the DIA at once. We recommend that you keep a copy of the Form 110 for your own files. **When you come to any DIA office for a proceeding, be sure to bring with you any letters the insurer or the DIA has sent you, along with any other relevant paperwork, especially the notice telling you of the proceeding.**

Conciliation

When you file an *Employees' Claim* form with the DIA, or the insurance company requests permission to stop or change your benefits, an informal meeting will be scheduled between you, the insurer, and a conciliator from this department. This meeting, called a Conciliation, normally takes place within 12 business days of our processing your claim form. At this informal meeting we will attempt to reach a **voluntary agreement** between you and the insurer. No decision can be ordered at this proceeding. If a voluntary agreement cannot be reached, the status of your claim would remain the same as before, and your case could be referred to one of our judges for a Conference. You and the insurer could also agree to voluntary arbitration.

Voluntary Arbitration

Any time prior to five days before a Conference you and the insurer can agree to refer your disputed case to an independent arbitrator. No further action is taken by our department on your claim. You would present your case to the arbitrator, the insurance company does the same, and the arbitrator will then issue a decision that is binding on both parties.

Conference

The Conference is an informal proceeding before an administrative judge. The judge learns about the case from presentations by both parties and the submission of documents, such as medical reports, wage statements and affidavits from witnesses. Witnesses are not called; you just tell the judge what the witnesses would have said. Testimony is not sworn. At the Conference you would need to show that you were disabled, the incapacity was work-related, and that any disputed medical bills were for necessary treatment. After the Conference the judge issues an order, either telling the insurer to pay your benefits, or ruling that they are not liable for payments to you.

The Conference Order can be appealed by either party. This appeal must be filed with this department within 14 days of the issuance of the order. There is a \$450 fee to appeal the Conference Order, if your appeal is based on a medical issue. This fee may be waived, if you can prove you cannot afford to pay the fee. If either party appeals the Conference Order, a formal Hearing before the same judge will be scheduled.

Hearing

The Hearing is a more formal proceeding held before the same administrative judge who presided at the Conference. Massachusetts Rules of Evidence will apply and sworn testimony is taken. Witnesses are called and cross-examined by the opposing party. A stenographer records the proceedings. The judge may continue to gather information after the Hearing.

The decision at a Hearing can be appealed to the Reviewing Board by either party. The Appeal to the Reviewing Board (Form 112) must be filed within 30 days of the issuance of the Hearing decision. There is a fee equal to 30 percent of the State Average Weekly Wage (at the time of the appeal) to appeal a Hearing decision.

The Reviewing Board

This board is made up of six judges, three of whom will examine the hearing transcripts. They may ask for written briefs or oral arguments from either party. This panel can reverse or uphold the decision of the administrative judge.

Further Appeals

Review Board decisions can be appealed to the Massachusetts Court of Appeals.

HOW YOUR BENEFITS ARE DETERMINED

Most benefits are based on your average weekly wage (AWW) prior to your injury (including overtime, tips, etc.), going back up to 52 weeks prior to your date of injury. If you have not been in your current job long enough to fairly determine your AWW, the insurer can use the actual wages of a co-worker who had been in a similar job as yours long enough to determine an AWW, or another method.

Medical Benefits

You are entitled to adequate and reasonable medical care. You will also be paid mileage for travel to and from medical visits. For your first visit to the doctor or hospital your employer has the right to designate a health care provider within the employer's preferred provider arrangement. After that initial treatment, you have the right to choose your own health care providers. You may change these providers one time without the permission of the insurer. To change providers again you will need the insurer to agree to the change. The insurer has the right to send you to see its doctor for an evaluation of your incapacity.

Temporary Total Incapacity Benefits

You qualify for total temporary benefits if your injury leaves you unable to work, considering your age, training, and experience, for six or more calendar days (the days do not have to be consecutive). You can receive these benefits for up to 156 weeks. Compensation begins on the sixth day of incapacity; you will not be compensated for the first five days of incapacity unless you are disabled for 21 days or more. Again, these days do not have to be consecutive.

Temporary total benefits are based on your gross earnings over the 52 weeks prior to your injury. To determine your benefits, take your actual gross earnings, including overtime, bonuses, etc., and divide this number by the number of weeks you worked, in order to compute your average weekly wage. Multiply that number by 60 percent (.60) and you will come up with your approximate weekly compensation. The maximum that you can receive is the state's average weekly wage (SAWW) at the

time of your injury. The SAWW is set annually by the Massachusetts Division of Unemployment Assistance.

Partial Incapacity Benefits

If you have an earning capacity, but have not been cleared by your doctor to return to full duty, you may qualify for partial benefits for a maximum of 260 weeks. For certain types of severe incapacity, you may receive benefits for up to 520 weeks.

Partial incapacity payments equal 60 percent of the difference between your average weekly wage prior to your injury and the weekly wages you are now capable of earning. The maximum compensation under this section of the law is limited to 75 percent of what your weekly total temporary benefits would be. For example, if you would receive \$440 a week as a total temporary benefit, the most you could receive if you collected partial benefits would be \$330 a week.

Permanent and Total Incapacity Benefits

If you are totally and permanently unable to do any kind of work as a result of a work-related injury or illness you may be entitled to permanent benefits. You can receive these benefits for as long as you are unable to work. You do not have to exhaust your temporary benefits before applying for permanent benefits.

You will get two-thirds of your average weekly wage (or a minimum of 20 percent of the SAWW) based on the 52 weeks prior to your injury, up to a maximum of the SAWW.

Permanent Loss of Function, Disfigurement and Scarring Benefits

If your injury results in a permanent loss of certain specific bodily functions, or in scarring, you can receive a one-time payment under Section 36 of the workers' compensation law. This benefit is paid in addition to other payments -- medical bills, lost wages, etc. You receive this additional compensation for scars only if they are on your face, neck, or hands. Persons injured prior to December 24, 1991, have slightly different benefits. Contact our Public Information Office if you have any questions about benefits under Section 36. For specific compensation calculations, after the insurance company has made you an offer, call our Conciliation Unit to talk to a Conciliator - 617-727-4900, ext. 369.

Other WC Benefits

Reasonable burial expenses up to \$4000 will be paid in cases where the injury results in death. Surviving spouses can receive weekly benefits equal to two-thirds of the deceased worker's average weekly wage, up to a maximum of the SAWW. They can receive these benefits for as long as they remain dependent and do not remarry. Surviving spouses become eligible for yearly cost of living increases two years after the date of injury. If the spouse remarries, \$60 a week is paid to each eligible child. The total weekly amount paid to dependent children cannot exceed the amount the spouse had been receiving.

WHEN YOUR BENEFITS MAY BE STOPPED OR REDUCED

Your benefits might be stopped or reduced for several reasons. Some of the more common reasons, when liability has been established, are:

- it is ordered by an arbitrator, administrative judge, reviewing board, or higher court;
- you have returned to work (the insurer must resume benefits if within 28 days you leave work again due to the same injury, provided that the insurer has accepted, or been assigned, liability for your injury);
- the insurer has been given a medical report by your treating doctor or an impartial medical examiner stating that you are capable of returning to work, and your employer has reported in writing that a suitable position is available for you that your doctor has approved;
- you are requested to attend an evaluation by a DIA vocational rehabilitation review officer and you refuse to attend, or refuse to cooperate with the provision of vocational rehabilitation services;
- you are asked to go to the insurer's doctor for evaluation, and you fail to attend;
- you are imprisoned after conviction for either a misdemeanor or felony.

LUMP SUM SETTLEMENTS

A lump sum is a settlement or contract between you, the insurer, and in some cases your employer. This one-time payment may be made in place of your weekly compensation checks and certain other benefits. In accepting a settlement you give up certain rights, so you must carefully consider whether or not settling your case is in your own best interest.

If the insurer has accepted legal liability for your injury, when you lump sum your case your medical benefits will remain open. This means the insurer must continue to pay for necessary and reasonable medical treatment and vocational rehabilitation services. The insurer still has the right, however, to deny any treatment it feels is unnecessary or unreasonable. For a lump sum brochure further explaining your rights, please go to our website or call our Public Information Office to have one sent to you.

DO YOU NEED AN ATTORNEY?

You do not need an attorney to file a claim for benefits, and you are not required to have an attorney for any proceedings before the department. You may represent yourself, or be represented by anyone you delegate, including an attorney. If you do get an attorney, the law requires that the insurer pay their fee **if you win your case**. In certain cases the insurer can reduce payments to you to help pay for your legal representation. **If you lose**, the attorney can charge you only for very specific expenses.

VOCATIONAL REHABILITATION SERVICES

If a doctor decides that due to your injury you will not be able to return to your job you may be eligible for vocational rehabilitation services. The goal of vocational rehabilitation is to get you back to work earning as close as possible to what you were making prior to your injury. Vocational rehabilitation services cover all **non-medical** services that you may require to return to a suitable job.

Services may include evaluation of your capabilities; vocational testing; counseling or guidance; workplace modifications; and/or, job placement assistance/formal retraining.

If you are requested to meet with one of our vocational rehabilitation review officers you **must** attend this meeting. This meeting is to determine if you are a suitable candidate for these services. If you refuse to come to this meeting your benefits can be discontinued. If you refuse to take part in a rehabilitation program after being determined suitable, your weekly benefits can be reduced by the insurance company, with the permission of this department.

Department of Industrial Accidents
600 Washington St., 7th Floor
Boston, MA 02111

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Public Information

Workers' compensation law is complex, and therefore the procedures for filing a claim may be confusing. This pamphlet should answer most of your basic questions. If you need more information, call any of our regional offices. Or contact our public information office; from within Massachusetts call our toll-free line: 1-800-323-3249, ext. 470. From outside Massachusetts, call 617-727-4900, ext. 470. You can also get information by visiting our web site - www.mass.gov/dia

TDD (Teletype for the hard of hearing only): 1-800-224-6196

DIA Regional Offices:

Boston: (617) 727-4900; **Lawrence:** (978) 683-6420; **Fall River:** (508) 676-3406;
Worcester: (508) 753-2072; **Springfield:** (413) 784-1133.

COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF INDUSTRIAL ACCIDENTS

YOUR GUIDE TO WORKERS' COMPENSATION, is published by the Massachusetts Department of Industrial Accidents, 600 Washington St., 7th Floor, Boston, MA 02111 – September, 2005

FORM 101



The Commonwealth of Massachusetts
 Department of Industrial Accidents – Department 101
 600 Washington Street – 7th Floor, Boston, Massachusetts 02111
 Info. Line 800-323-3249 ext. 470 in Mass. Outside Mass. - 617-727-4900 ext. 470
<http://www.mass.gov/dia>

DIA USE ONLY

EMPLOYER'S FIRST REPORT OF INJURY OR FATALITY

THIS FORM MUST BE FILED BY THE EMPLOYER IN THE EVENT OF AN INJURY THAT RESULTS IN DEATH OR FIVE OR MORE CALENDAR DAYS OF TOTAL OR PARTIAL INCAPACITY FROM EARNING WAGES.
 INSTRUCTIONS AND CODES ON THE REVERSE SIDE - Please Print Legibly or Type - Unreadable forms will be returned.

EMPLOYEE	1. Employee's Name (Last, First, MI):		2. Home Telephone Number:	3. Social Security Number*:	4. Sex: <input type="checkbox"/> M <input type="checkbox"/> F
	5. Home Address (No., Street, City, State & Zip Code):			6. Marital Status: <input type="checkbox"/> M <input type="checkbox"/> S	7. No. of Dependents:
	8. Date of Hire (mm/dd/yyyy):	9. Date of Birth (mm/dd/yyyy):		10. Average Weekly Wage: \$ <input type="checkbox"/> Estimated <input type="checkbox"/> Actual	
EMPLOYER	11. Employer's Name:			12. Federal Tax I.D. Number:	
	13. Employer's Address (No., Street, City, State & Zip Code):			14. Employer's Telephone Number:	
	16. Workers' Compensation Insurance Carrier and Tel. No. (NOT LOCAL AGENT/ADMINISTRATOR):			15. Industry Code (See Reverse Side):	
	18. Self-Insured? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Self-Insurer Number:			17. W.C. Policy Number: 19. Business Type: <input type="checkbox"/> Service <input type="checkbox"/> Wholesale <input type="checkbox"/> Mfg. <input type="checkbox"/> Retail <input type="checkbox"/> Other	
INFORMATION	20. DATE OF INJURY (mm/dd/yyyy):				
	21. Was Employee Injured on Employer's Premises? <input type="checkbox"/> Yes <input type="checkbox"/> No		22. Location of Injury if not on Employer's Premises:		
	23. FIRST day of Total or Partial Incapacity to Earn Wages (mm/dd/yyyy):		24. FIFTH day of Total or Partial Incapacity to Earn Wages (mm/dd/yyyy):		
	25. If Employee has Died, Date of Death (mm/dd/yyyy):		26. Source of Injury (Chemicals, Machinery, etc.):		
	27. Briefly Describe How Injury/Exposure Occurred and Body Part(s) involved:				
	28. Person to Whom Injury was Reported (list position):		29. Date Reported (mm/dd/yyyy):	30. Date Reported as work related (mm/dd/yyyy):	
	31. Injury Code(s) a. to body part a. Body Part Code(s) b. to body part b. c. to body part c.		32. Witness(es) to Injury - Give Full Name(s), if none state as such:		
33. Has Employee Returned to Work? <input type="checkbox"/> Yes <input type="checkbox"/> No		34. Date Employee Returned to Work (mm/dd/yyyy):			
35. Employee's Regular Occupation:		36. Has Employee Returned to Regular Occupation: <input type="checkbox"/> Yes <input type="checkbox"/> No			
37. EMPLOYER'S Name (SEE INSTRUCTIONS ON REVERSE SIDE):		38. Title:			
39. EMPLOYER'S Signature (SEE INSTRUCTIONS ON REVERSE SIDE):		40. Date Prepared (mm/dd/yyyy):			

*Disclosure of Social Security Number is Voluntary. It will aid in the processing of your report.

Form 101 - Revised 8/2001 - Reproduce as needed.

THIS FORM DOES NOT CONSTITUTE AN EMPLOYEE'S CLAIM FOR BENEFITS UNDER WORKERS' COMPENSATION.

EMPLOYER'S FIRST REPORT OF INJURY OR FATALITY

FILING INSTRUCTIONS

- WHEN TO FILE:** File this form within 7 calendar days, not including Sundays and legal holidays, of receipt of notice of any injury alleged to have arisen out of and in the course of employment, which totally or partially incapacitates an employee for a period of 5 or more calendar days from earning wages. This form is not an admission of liability, but must be filed even though the Employer may believe that the Employee is not injured, or that the Employee is not entitled to benefits under M.G.L. Chapter 152.
- WHERE TO FILE:** This form should be mailed to the Department of Industrial Accidents at the address shown on the front of the form. Copies must also be provided to the Employee and to the Employer's Workers' Compensation insurer.
- PENALTIES:** Failure to report injuries on this form may result in a fine of \$100.00 in accordance with M.G.L. Chapter 152, Section 6.
- EMPLOYER'S NAME & SIGNATURE IN BOXES 37 & 39:** This form must be filed by the employer or an authorized agent/representative of the employer.

INDUSTRY CODES

Agriculture, Forestry and Fishing
01 Agriculture Production - Crops
02 Agriculture Production - Livestock
07 Agricultural Services
08 Forestry
09 Fishing, Hunting and Trapping

Mining
10 Metal Mining
12 Coal Mining
13 Oil and Natural Gas
14 Nonmetallic Minerals, Except Fuels

Construction
15 General Building Contractors
16 Heavy Construction, Ex. Building
17 Special Trade Contractors

Manufacturing
20 Food and Kindred Products
21 Tobacco Products
22 Textile Mill Products
23 Apparel and Other Textile Products
24 Lumber and Wood Products
25 Furniture and Fixtures
26 Paper and Allied Products
27 Printing and Publishing

28 Chemicals and Allied Products
29 Petroleum and Coal Products
30 Rubber and Misc. Plastic Products
31 Leather and Leather Products
32 Stone, Clay and Glass Products
33 Primary Metal Industries
34 Fabricated Metal Products
35 Industrial Machinery and Equipment
36 Electronic and Other Electrical Equipment
37 Transportation Equipment
38 Instruments and Related Products
39 Miscellaneous Manufacturing Industries

Transportation and Public Utilities
40 Railroad Transportation
41 Local and Interurban Passenger Transit
42 Trucking and Warehousing
43 U.S. Postal Service
44 Water Transportation
45 Transportation by Air
46 Pipelines, Except Natural Gas
47 Transportation Services
48 Communications
49 Electric, Gas and Sanitary Services

Wholesale Trade
50 Wholesale Trade - Durable Goods

51 Wholesale Trade - Non-durable Goods
Retail Trade
52 Building Materials and Garden Supplies
53 General Merchandizing
54 Food Stores
55 Automotive Dealers and Service Stations
56 Apparel and Accessory Stores
57 Furniture and Home Furnishing Stores
58 Eating and Drinking Establishments
59 Miscellaneous Retail

Finance, Insurance and Real Estate
60 Depository Institutions
61 Non-depository Institutions
62 Security and Commodity Brokers
63 Insurance Carriers
64 Insurance Agents, Brokers and Service
65 Real Estate
67 Holding and Other Investment Officers

Services
70 Hotels and Other Lodging Places
72 Personal Services
73 Business Services
75 Auto Repair Services and Parking
76 Miscellaneous Repair Services

78 Motion Pictures
79 Amusements and Recreation Services
80 Health Services
81 Legal Services
82 Educational Services
83 Social Services
84 Museums, Botanical, Zoological Gardens
86 Membership Organizations
87 Engineering and Management Services
88 Private Households
89 Services, NEC

Public Administration
91 Executive, Legislative and Garden
92 Justice, Public Order, and Safety
93 Finance, Taxation, and Monetary Benefits
94 Administration of Human Services
95 Environmental Quality and Housing
96 Administration of Economic Program
97 National Security and International Affairs

Non-classifiable Establishments
99 Non-classifiable Establishments

NATURE OF INJURY OR ILLNESS CODES

100 Amputation or Excision
110 Asphyxia or Strangulation Etc.
120 Burns (Heat)
130 Burns (Chemical)
140 Concussion
160 Contusion, Crushing, Bruise
170 Cut, Laceration, Puncture
190 Dislocation
200 Electric Shock, Electrocution
210 Fracture
250 Hernia, Rupture
300 Scratches, Abrasions
310 Sprains, Strains
400 Multiple Injuries
900 No Injury
950 Damage to Prosthetic Devices
995 No Other Injury, NEC**
999 Non-classifiable

Infective or Parasitic Disease
150 Infective or Parasitic Disease, UNS*
151 Amebiasis
152 Anthrax
153 Brucellosis
154 Conjunctivitis and Ophthalmia
156 Tetanus

157 Tuberculosis
159 Other Infective or Parasitic Diseases,
Dermatitis
180 Dermatitis, UNS*
183 Primary Infections of the Skin
184 Other Skin Conditions
185 Dermatitis, Allergic or Contact
189 Skin Condition, NEC**
Poisoning Systemic
270 Poisoning, Systemic, UNS*
271 Due to Toxic Materials other than Lead
272 Diseases of the Blood and Blood Forming
Organs
273 Upper Respiratory Conditions
274 Influenza, Pneumonia, Etc.
276 Other Diseases of the Gastro-Intestinal
Tract
278 Effects of Lead
279 Other Toxic Effects of One System Only
Respiratory Systems, Conditions of
570 Respiratory Systems, Conditions of
571 Upper Respiratory
572 Asthma, Influenza, Pneumonia
Pneumoconiosis
280 Pneumoconiosis

281 Aluminosis
282 Anthracosis
283 Asbestosis
284 Byssinosis
285 Siderosis
286 Silicosis
287 Other Pneumoconioses
289 Pneumoconiosis and Tuberculosis
Nervous System, Conditions of
560 Nervous System, Conditions of - NEC**
561 Diseases of the Central Nervous
System
562 Diseases of the Nerves and Peripheral
Ganglia
Neoplasm Tumor
550 Neoplasm Tumor, UNS*
551 Malignant
552 Benign
Radiation Effects
290 Radiation Effects, UNS*
291 Non-ionizing Radiation
292 Microwaves
293 Ionizing Radiation - X-Ray
294 Ionizing Radiation - Isotopes
295 Welder's Flash

Other
265 Carpal Tunnel Syndrome
510 Cardiovascular and Other Conditions
of the Circulatory System
520 Complications Peculiar to Medical Care
500 Effects of Changes in Atmospheric
Pressure
240 Effects of Environmental Heat
220 Effects of Exposure to Low Temperature
530 Eye, other Diseases of the Eye
230 Hearing Loss or Impairment
991 Heart Condition, Excludes Heart Attack
320 Hemorrhoids
330 Hepatitis, Serum and Infective
275 Hepatitis, Toxic
260 Inflammation of Joints, Etc.
540 Mental Disorders
900 No Illness
999 Non-classifiable
990 Occupational Disease, NEC**
580 Symptoms and Ill-defined Conditions

BODY PART AFFECTED CODES

Head
100 Head, UNS*
110 Brain
120 Ear(s), UNS*
121 Ear(s), External
124 Ear(s), Internal
130 Eye(s), UNS*
140 Face, UNS*
141 Jaw, Chin
144 Mouth and Throat (vocal chords, larynx)
146 Nose
148 Face, Multiple Parts
149 Face, NEC**
150 Scalp

160 Skull
198 Head Multiple
200 Neck & Cervical Vertebrae
UPPER EXTREMITIES
300 Upper Extremities, NEC**
310 Arm(s), UNS*
311 Upper Arm
313 Elbow(s)
315 Forearm(s)
318 Arm(s), Multiple
319 Arm(s), NEC**
320 Wrist(s)
330 Hand(s), Not Wrists or Fingers
340 Finger(s)

398 Upper Extremities, Multiple
400 Trunk, UNS*
410 Abdomen, Internal Organs,
Inguinal Hernia
420 Back
430 Chest, Ribs, Breastbone,
Internal Organs
440 Hip(s), Pelvis, Organs and
Buttocks
450 Shoulder(s)
498 Trunk, Multiple
LOWER EXTREMITIES
500 Lower Extremities
510 Leg(s), UNS*

513 Knee(s)
515 Lower Leg(s)
518 Leg(s), Multiple
519 Leg(s), NEC**
520 Ankle(s)
530 Foot or Feet, Not Ankle
540 Toe(s)
598 Lower Extremities, Multiple
700 MULTIPLE PARTS
Applies when more than one major body part
as been effected such as an arm and a leg
999 NON-CLASSIFIABLE - Insufficient infor-
mation to identify part of body effected. In-
cludes damage to prosthetic devices.

*UNS - UNSPECIFIED

**NEC - NOT ELSEWHERE CLASSIFIED



The Commonwealth of Massachusetts
 Department of Industrial Accidents – Department 101
 600 Washington Street – 7th Floor, Boston, Massachusetts 02111
 Info. Line 800-323-3249 ext. 470 in Mass. Outside Mass. - 617-727-4900 ext. 470
<http://www.mass.gov/dia>

DIA USE ONLY

EMPLOYER'S FIRST REPORT OF INJURY OR FATALITY

THIS FORM MUST BE FILED BY THE EMPLOYER IN THE EVENT OF AN INJURY THAT RESULTS IN DEATH OR FIVE OR MORE CALENDAR DAYS OF TOTAL OR PARTIAL INCAPACITY FROM EARNING WAGES.
 INSTRUCTIONS AND CODES ON THE REVERSE SIDE - Please Print Legibly or Type - Unreadable forms will be returned.

E M P L O Y E E	1. Employee's Name (Last, First, MI):		2. Home Telephone Number:	3. Social Security Number*:	4. Sex: <input type="checkbox"/> M <input type="checkbox"/> F
	5. Home Address (No., Street, City, State & Zip Code):			6. Marital Status: <input type="checkbox"/> M <input type="checkbox"/> S	7. No. of Dependents:
	8. Date of Hire (mm/dd/yyyy):	9. Date of Birth (mm/dd/yyyy):		10. Average Weekly Wage: \$ <input type="checkbox"/> Estimated <input type="checkbox"/> Actual	
	11. Employer's Name:			12. Federal Tax I.D. Number:	
E M P L O Y E R	13. Employer's Address (No., Street, City, State & Zip Code):			14. Employer's Telephone Number:	
	16. Workers' Compensation Insurance Carrier and Tel. No. (NOT LOCAL AGENT/ADMINISTRATOR):			15. Industry Code (See Reverse Side):	
	18. Self-Insured? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Self-Insurer Number:			17. W.C. Policy Number:	
				19. Business Type: <input type="checkbox"/> Service <input type="checkbox"/> Wholesale <input type="checkbox"/> Mfg. <input type="checkbox"/> Retail <input type="checkbox"/> Other	
20. DATE OF INJURY (mm/dd/yyyy):					
I N J U R Y I N F O R M A T I O N	21. Was Employee Injured on Employer's Premises? <input type="checkbox"/> Yes <input type="checkbox"/> No		22. Location of Injury if not on Employer's Premises:		
	23. FIRST day of Total or Partial Incapacity to Earn Wages (mm/dd/yyyy):		24. FIFTH day of Total or Partial Incapacity to Earn Wages (mm/dd/yyyy):		
	25. If Employee has Died, Date of Death (mm/dd/yyyy):		26. Source of Injury (Chemicals, Machinery, etc.):		
	27. Briefly Describe How Injury/Exposure Occurred and Body Part(s) involved:				
	28. Person to Whom Injury was Reported (list position):		29. Date Reported (mm/dd/yyyy):	30. Date Reported as work related (mm/dd/yyyy):	
	31. Injury Code(s) to body part a. Body Part Code(s) a. b. to body part b. c. to body part c.		32. Witness(es) to Injury - Give Full Name(s), if none state as such:		
33. Has Employee Returned to Work? <input type="checkbox"/> Yes <input type="checkbox"/> No		34. Date Employee Returned to Work (mm/dd/yyyy):			
35. Employee's Regular Occupation:		36. Has Employee Returned to Regular Occupation: <input type="checkbox"/> Yes <input type="checkbox"/> No			
37. EMPLOYER'S Name (SEE INSTRUCTIONS ON REVERSE SIDE):		38. Title:			
39. EMPLOYER'S Signature (SEE INSTRUCTIONS ON REVERSE SIDE):		40. Date Prepared (mm/dd/yyyy):			

*Disclosure of Social Security Number is Voluntary. It will aid in the processing of your report.

Form 101 - Revised 8/2001 - Reproduce as needed.

THIS FORM DOES NOT CONSTITUTE AN EMPLOYEE'S CLAIM FOR BENEFITS UNDER WORKERS' COMPENSATION.

**MEDICAL ONLY
REPORT OF INJURY**



MASSACHUSETTS EDUCATION
& GOVERNMENT ASSOCIATION
WORKERS' COMPENSATION GROUP, INC.

**MEDICAL ONLY
REPORT OF INJURY**

Employee Accident Report

If employee is disabled for 5 or more days, please complete First Report of Injury – Form 101

Employer: Town of Princeton MEGA Location #: _____

Employee's Name _____ Home Phone # _____

Address _____

Social Security _____ Department _____ Job Title _____

Date of Incident ____/____/____ Time _____ Location _____

Body Part _____ Type of Injury (strain, laceration, etc.) _____

Describe what happened _____

Name of Witness(es) _____

To whom was accident/incident reported to? _____ Date Reported _____

Was medical attention sought? Yes ____ No ____ If yes, Where? _____

Information Release

I hereby authorize Massachusetts Education and Government Association Workers' Compensation Group (MEGA), or any of its representatives to be furnished any information and facts regarding medical services rendered to me by any medical provider, including reports/records, results of diagnosis, treatment and prognosis, estimates of disability and recommendations for further treatment. This information is to be used for the purpose of evaluating and handling my claim for injury as a result of an incident occurring on or about the above indicated date of injury and for no other purpose, now or in the future.

Employee Signature _____ Date _____

Supervisor Comments _____

Supervisor Signature _____ Date _____

Please fax or mail the completed form to:

100 Quannapowitt Parkway Suite 201 Wakefield, MA 01880
800-552-1150 (781) 683-1000 FAX (781) 246-3425

Town of Princeton

Incident Report for Record Only

If employee requires medical attention, complete the MEGA Medical Only Report of Injury.
If employee is disabled for 5 or more days, please complete First Report of Injury – Form 101.
All forms should be filed with your supervisor, for immediate submission to the Town Administrator.

Employer _____

Employer's Name _____ Home Phone # _____

Social Security # _____ Date of Birth _____

Home Address _____

Work Hours _____ Work Location _____

Supervisor _____ Department _____

Do you hold a job in addition to this one? _____

If yes, name of other employer? _____

Date & Time of Injury _____

Location Injury Occurred _____

Describe fully how injury occurred _____

Name the object, substance, or exposure which directly brought about your injury

Describe your injury _____

Witnesses _____

Name and Title _____ Work Phone _____

Name and Title _____ Work Phone _____

Date, Time and to Whom you reported your injury _____

Today's Date _____ Your Signature _____
