

**TOWN OF PITTSFIELD
NEW HAMPSHIRE**

**EMPLOYEE PERSONNEL POLICY
AND
SALARY AND CLASSIFICATION PLAN**

Section 1. Employment Status to be at Will

All Employment with the Town of Pittsfield shall be at will, and all employees shall be subject to discharge with or without cause and without notice, to the extent such at will status is permitted by law and is not inconsistent with the provisions of any applicable collective bargaining agreement or other written contract of employment.

A: Probationary Period

The probationary period shall be an integral part of the selection process for appointment to and continuance of any position and shall be used by the Board of Selectmen and supervisors for closely monitoring the employee's work, for helping the employee adjust to the position, and for rejecting any employee whose performance does not meet the requirements of the position. Supervisors are required to help probationary employees understand their job responsibilities and duties.

All persons hired for or changing to a new job description will serve a probationary period of six months. Continued employment in the new job description will be contingent upon an acceptable performance evaluation at the end of the probationary period. The Board of Selectmen may in certain instances, in its sole discretion, extend the probationary period at the end of six months.

Section 2. Effect of this Document

Nothing in this document shall be construed as a contract or an offer to contract, and no person shall have any right to rely on any statement or representation made herein. The Board of Selectmen expressly reserves the right to amend, alter, repeal or replace any provision of this document, including the pay and classification plan and accompanying schedules, without prior notice and in the exercise of their sole discretion.

Section 3. Pay and Classification Plan

The positions of all officers and employees in the service of the Town (whether full-time, part-time, special, or others) other than those positions filled by popular election, standing committees of the Town, special committees of the Town, and those under the jurisdiction, direction and control of the School Board, are hereby classified by titles in the groups listed in Schedule A entitled "Job Classifications by Groups" which follows this section and is made a part hereof.

The Plan is to be established by the Board of Selectmen to provide minimum and maximum salaries, for the groups and positions in the Pay and Classification Plan. The salary range of a group shall be the salary range of all positions classified in the group.

Section 4. New or Changed Positions

Whenever a new position is established, or the duties of an existing position are so changed that in effect a new position is created, upon presentation of substantiating data satisfactory to the Board of Selectmen, the Board shall allocate such new position or changed position to its appropriate group.

Section 5. Titles of Positions

No person shall be appointed, employed or paid as an employee in any position subject to the provisions of the Classification Plan under any title other than those of the Classification Plan or under any title other than that of the job the duties of which are actually performed. The job title in the plan shall be used to designate the position in all payrolls, budget estimates and official reports, and in every other connection involving personnel and fiscal processes.

Section 6. Reclassification of Employees

The Board of Selectmen may, in its sole discretion, reclassify an employee to a job in another group if it is so beneficial to Town operations to do so. No employee may be reclassified to a job in another group, either higher or lower, until the Board of Selectmen shall have determined such reclassification will be consistent with the Classification and Salary Plans.

Section 7. Job Descriptions

The Board of Selectmen shall endeavor to maintain written job descriptions of the jobs, or positions, in the Classification Plan, describing the essential characteristics, requirements, and general duties of the jobs. The descriptions shall not be interpreted as complete or limiting descriptions of any job, and employees shall continue in the future, as in the past, to perform any duties assigned by department heads, supervisors, or other administrative authority. Job descriptions shall be reviewed as deemed necessary by management.

Section 8. Management Rights and Responsibilities

The listing of the following specific rights of management in this section is not intended to be, nor shall be considered restrictive of or as a waiver of any of the rights of the Town not listed herein. Such inherent management responsibilities are not subject to arbitration and shall remain exclusively with the Town except as may be shared by the Town in specific situations from time to time.

1. Among such management responsibilities as are vested exclusively in the Town are the following: The right to hire, promote, transfer, assign and retain employees in positions with the Town and to suspend, demote, discharge or take other disciplinary action against

employees, to relieve employees from duty because of lack of work or other legitimate reasons, to determine the method, means, and personnel by which such operations are to be conducted, and to take whatever action may be necessary to carry out the work of the Town in situations of emergency.

2. The Town shall have the freedom of action to discharge its responsibilities for the essential and successful operation of the Town and its Departments, including the scheduling of operations, the methods and materials used in carrying out the functions of the Town and its Departments and the extent to which its own or other facilities and/or personnel shall be used.

Section 9. Pay Grades and Rates

Employees shall be hired, classified, promoted and granted salary increases in accordance with the Classification Plan and the policies and procedures herein set forth at rates of pay set forth in Schedule B of this Plan attached hereto and made a part hereof. No employee shall be hired or employed at a rate below the minimum rate for the Classification nor be given an increase above the maximum.

A. Starting Rates

1. The starting rate shall be determined by the Board of Selectmen in the exercise of its sole discretion.
2. An annual performance evaluation will be given by the supervisor / department head and reviewed by the Board of Selectmen. An employee may advance on the basis of merit only upon written recommendation of the Department Head and approval of the Board of Selectmen.

B. Salary Increases

1. Employees in the continuous service of the Town who have a satisfactory annual merit evaluation and performance record or who are promoted to a higher job classification group may be eligible for a salary increase on the written recommendation of the Department Head and approval of the Board of Selectmen.
2. Salary increases for all employees may be granted upon successful completion of a probationary period and / or annually thereafter upon written recommendation of the department head and approval of the Board of Selectmen.
3. When an employee is promoted from a lower rated position, he shall enter at a rate as determined by the Board of Selectmen in the exercise of its sole discretion.
4. The award of an increase in pay to any employee shall be based upon a merit evaluation and shall be granted or withheld by the Board of Selectmen in the exercise of their sole discretion.

C. Salary Adjustments

1. Employees whose classifications have been upgraded shall move to the new group at a rate as determined by the Board of Selectmen in the exercise of its sole discretion.
2. If an employee is transferred to a lower rated job, he shall enter at a rate as determined by the Board of Selectmen in its sole discretion.

D. Overtime

1. Employees, other than full-time members of the Police and Fire Departments, shall be paid for overtime work at a rate equal to time and one-half their regular rates of pay for all hours worked in excess of 40 hours per week. Overtime is to be approved by the Town Administrator. Holiday, vacation and sick pay are not considered hours worked and will not be used in the computation of overtime.
2. Full-time employees of the Police and Fire Departments shall receive overtime pay at a rate equal to time and one-half their regular rate of pay for hours worked in excess of 43 hours per week.
3. Police Officers engaged by private parties, when permitted by statute or Department Regulations, shall be paid by such parties through the Town's payroll system at an hourly rate approved by the Board of Selectmen. When police vehicles are used during such private paid details, the Town shall be paid at a rate approved by the Board of Selectmen. Acceptance or rejection of such engagements will be determined by the Board of Selectmen in its sole discretion.
4. Exempt salaried employees, as outlined in the FLSA shall not receive compensation in the form of overtime.

E. Employee Work Performance

Each employee's work performance and attendance shall be reviewed at least once each year or more often if deemed appropriate. Upon completion of such review, it shall be forwarded to the Town Administrator, who shall be responsible for assuring that such reviews are accomplished.

Section 10. Employee Benefits

Employee benefits for employees who have or do choose to bargain collectively through representatives of their own choice and whose representative organization has been recognized or designated as the bargaining agent for all such employees shall be set forth in appropriate collectively bargaining agreements. Benefits for all other employees shall be as hereinafter set forth.

A. Group Health, Accident, Disability and Life Insurance

Upon successful completion of probationary period, regular full-time employees shall be provided with the opportunity to participate or join a Group Insurance Plan which will provide insurance for certain hospitalization, medical and surgical expenses incurred in the treatment of employees and their eligible dependents, and life insurance without cash value (term insurance, so-called) for employees.

The specific type and amount of coverage provided under any such Group Health Insurance Plan, term insurance policy, accident, or disability insurance shall be determined from time to time by the Board of Selectmen in the exercise of their sole discretion. Applicable employee portions will be automatically deducted from their wages each week.

B. Workers Compensation Insurance

The Town of Pittsfield provides insurance to compensate employees for occupational injuries pursuant to the provisions of RSA 281-A, New Hampshire's Workers Compensation Law.

C. Payment Due to Absence on Account of illness

1. In the event of a bonafide personal and non-service connected sickness or injury (for which no compensation is received under Workers Compensation or other insurance) all regular full-time employees shall be eligible for time off with pay in an amount appropriate to the circumstances of each individual case, in order that their income may be maintained during such period of bonafide incapacitation, on the following basis. Permanent full-time employees shall accrue sick leave at the rate of ten (10) hours for each completed month of full-time service from the date of their probationary employment. Employees hired after the 20th of the month will not accrue sick leave in that month. Sick leave may accrue to a maximum of 240 hours. This accumulation of unused sick leave is intended solely for illness protection and does not constitute an obligation on the part of the Town to buy back any unused sick leave at the time of separation, death or retirement from the service of the Town. Time lost by reason of unpaid leaves of absence, or time otherwise not worked or paid for, shall not be considered in computing allowances for sick leave.

2. Department heads shall determine and grant what they consider to be the appropriate and reasonable allowance for sick leave for full-time employees according to the circumstances of the individual case.

3. Employees shall notify their Department Head on the first day of absence due to non-service connected sickness or injury, stating the nature of the sickness or injury, time expected to be incapacitated, and when they expect to return to work. Such notification shall be made not more than fifteen (15) minutes after the start of the employees work period.

4. Department Heads shall be responsible to check on all absences not later than the second day. If a doctor has been called by the employee, the Department Head shall also check with the doctor. A doctor's certificate shall be required after the third (3) day of absence. If approved by

the Board of Selectmen, the Department Head may require the employee to submit to an independent medical examination at the Town's expense. Failure of the employee to submit to such examination shall be grounds for dismissal.

5. Department Heads shall fill out an Absence Report, one copy for the Department files, and shall send one copy to the Board of Selectmen, who shall maintain a Town Absence File. All absence pay shall be so designated on the payrolls. Sick leave shall not count as time worked.

6. This program shall be administered by the Board of Selectmen, who shall interpret the provisions of the program and establish the details of its administrative policies and procedures. Department Heads and employees shall furnish to the Board of Selectmen any information which the Board may request.

D. Workers Compensation

In the event an employee is incapacitated as a result of bonafide injury or sickness arising out of and in connection with service to the Town and for which Workers Compensation is payable, he shall be granted the difference between Workers Compensation payments and his regular straight time rate of pay on the same basis and procedures as set forth under subsection C. Payments Due to Absence on Account of illness, immediately proceeding this subsection.

E. Vacations with Pay

1. After one full year of service and thereafter, all regular full-time employees will earn vacation time based on their years of service as set forth below. Vacations shall be earned before time is taken. Years of service for computation of vacation shall commence on the employee's original date of employment.

FULL YEARS OF SERVICE

One year-----5 days
2-4 years-----10 days
5-10 years-----15 days
11 or more years-----20 days

2. Vacations shall be granted by the Department Head at such times as, in his opinion, will cause the least interference with the performance of the regular work of the Department, but taking into account the preference of the individual employee. Employees in the Annual Salary Schedule may, with the permission of the Board of Selectmen, accrue and carry forward from vacation year to vacation year a total of 80 hours, or two weeks of vacation, but not more than that sum. Salaries may be paid in lieu of vacations with the prior written approval of the Board of Selectmen. If a holiday falls within the vacation period of an employee, he shall be granted an additional day of vacation. In the event that more employees apply for paid vacation than can be spared from the work schedule at a given time, seniority will be the basis for determining the

granting of approved vacation leave. Seniority shall mean continuous years of full-time employment.

3. Employees who desire their vacation pay in advance of departure for their approved vacation period shall notify the Department Head at least ten (10) days in advance of their last working day.

4. If the employment of a person who has become entitled to an annual vacation but has not taken it, is terminated by dismissal; by resignation, written notice of which is received by the Department Head at least two weeks prior thereto; by retirement or death; he/she shall be paid his/her unused vacation. In exceptional cases where circumstances prevent the giving of two weeks notice, excluding cases where the employee resigns to accept other employment, the two week notice period requirement may be waived and the vacation pay may be allowed by the Department Head with the approval of the Board of Selectmen. If the termination of employment shall be caused by the death of an employee entitled to vacation benefits, the benefits shall be paid to the person or persons to whom unpaid salary is payable.

F. Holidays with Pay

All regular full-time employees, except full-time police and fire personnel, shall receive time off without loss of pay on the following Town observed holidays:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. President's Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veteran's Day
8. Thanksgiving Day
9. Day after Thanksgiving Day
10. Christmas Day
11. Floating Day

Employees will be permitted to take the floating day on the day of their choice, subject to the needs of their individual Department, with the advanced approval of their Department Head in writing.

If a holiday falls on a regularly scheduled day off, the employee shall be given an additional day off with pay. Holidays are not considered time worked in the computation of other pay and benefits, including overtime. When an employee is regularly scheduled to work on a holiday, he shall be given an additional day off with pay, or shall receive double time for the day worked. Holidays that occur on a Saturday will be observed on the preceding Friday, and those that occur on a Sunday will be observed on the following Monday.

G. Bereavement Leave

Regular full-time employees shall, in the event of a death in the immediate family, be granted bereavement leave without loss of pay on the day of the funeral, if it is a scheduled day of work for the employee, and a maximum of two additional scheduled days for the employee between the day of death and the day of the funeral. Immediate family is defined as spouse, mother, father, sister, brother, son, daughter, step-mother, step-father, step-daughter, step-son, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandmother, grandfather and grandchild.

H. Jury Duty Pay

Employees shall be paid the difference between their regular pay and compensation they receive from jury duty, provided they report to work on each regularly scheduled working day when excused from such duty. A certificate setting forth the amount received by the employee from jury duty, exclusive of any transportation, mileage or overnight accommodations payment or reimbursements, shall be required prior to such payment.

I. Military Leave

Regular full-time employees who are members of the United States Armed Forces Organized Reserves or National Guard, shall be paid the difference between their regular pay and the compensation they receive from the military for time spent on temporary duty following a temporary call up of 17 days or less in accordance with State or Federal Law. A certificate setting forth the amount received by the employee for such military leave, exclusive of any transportation mileage or overnight accommodations payment or reimbursements, shall be required prior to such payment.

Section 11. Definitions

1. "Department Head" means - An employee responsible for the administration of a Town function or activity under the direction of an elected or appointed Board, Committee or Commission.
2. "*Regular* Employee" means - An employee hired to work for an indefinite period.
3. "Full-time Employee" means - An employee hired to work the regularly established hours of work but not less than 40 hours per week.
4. "Part-time Employee" means - An employee hired to work less than 40 hours per week.
5. "Temporary Employee" means - An employee hired for no set hours of work for a period of time of less than six months.
6. "Board of Selectmen" means - The elected Board of Selectmen or their authorized representative.

Section 12. Equal Employment Opportunity

It is the policy of the Town of Pittsfield to employ, retain, promote, terminate and otherwise treat any and all employees and job applicants on the basis of merit, qualifications and competence. This policy shall be applied without regard to any individual's sex, race religion, national origin, pregnancy, age marital status, or mental or physical handicap or status as a veteran, except when such application is otherwise required for bona fide reasons under the law.

Section 13. Hours of Work

The hours of work for the various Departments of the Town shall be determined by the Department Head with the approval of the Board of Selectmen. The normal work day for hourly employees shall be eight (8) hours which shall be interrupted at its mid-point with a thirty (30) to sixty (60 minute unpaid meal period. The operational hours of departments is subject to change at any time by the Board of Selectmen in its sole discretion.

Section 14. Hiring and Screening

Applicants for employment may be required to submit to, and pass, various pre-employment or conditional employment tests including, but not limited to, physical examinations, alcohol and drug screening, professional competency tests, a thorough background investigation and personal interviews – as deemed necessary by the Board of Selectmen. Any position that involves the oversight of children or of town accounts will require a criminal background check before initial employment with the Town. The Town shall assume the responsibility for any screening costs that may be incurred as a result of related screening requirements set forth by the Town;

Section 15. Rest Periods

Employees shall have a daily 15 minute rest period, as determined by their supervisory personnel. Rest periods cannot be used in conjunction with meal periods and if granted, shall be taken at the mid point of either the beginning of the work shift and the meal period, or between the meal period and the conclusion of the work period.

Section 16. Employment Discrimination and Harassment.

1. The Town of Pittsfield is opposed to unlawful discrimination or harassment against any applicant or employee by virtue of the person's race, color, national origin, sex, age, religion, physical or mental disability, marital status, or status as a veteran and will not condone such misconduct by an employee or volunteer working for the Town of Pittsfield. All Town employees are public employees and should enjoy a non-hostile, non-intimidating, and non-offensive work environment, free from any form of unlawful discrimination or harassment.

2. The purpose of this section is to establish a method by which complaints regarding alleged or suspected unlawful discrimination or harassment can be made and investigated.

3. Sexual Harassment

It is the Town's policy to prohibit employees from making sexually derogatory remarks or verbal or physical advances to co-workers or applicants, or to otherwise discriminate with regard to employment because of an employee's sex. Such misconduct violates Title VII of the Federal Civil Rights Act of 1964, as well as the New Hampshire Law Against Discrimination.

Unwelcome sexual advances or physical contact, requests for sexual favors, and other verbal or physical conduct of a sexual nature, will constitute sexual harassment under any of the following conditions:

A. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment.

B. Submission to, or rejection of such conduct by a person is used as a basis for employment decisions affecting such person; and

Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating and intimidating, hostile, or offensive working environment.

A. Any employee who uses his/her employment position to obtain sexual favors or who implies that submission to or rejection of sexual advances will be used as a basis for an employment decision or who otherwise engages in employment disciplinary measures, including dismissal.

Employees or applicants who believe they have been subjected to sexual harassment or any other unlawful employment discrimination because of their sex should immediately report the basis of such belief to the Town Administrator. The complaint should be in writing, stating completely the basis of the complaint, the names of the persons involved, and the dates of any specific incidents. Should the Town Administrator be the complainant or the source of the complaint, or should there be a conflict of interest, the complaints should be made directly to the Chairman of the Board of Selectmen. All complaints will be investigated, the Chairperson will take any corrective action necessary.

4. Other Complaints

Complaints of unlawful employment discrimination by virtue of race, color, national origin, sex, age, religion, physical or mental disability, marital status, or status as a veteran should be immediately reported to the Town Administrator. The complaint should be in writing, stating completely the basis of the complaint, the names of the persons involved, and the dates of any specific incidents. Should the Town Administrator be the complainant or the source of the complaint, or should there be a conflict of interest, the complaint should be made directly to the Chairperson of the Board of Selectman. All complaints will be investigated immediately. Upon completion of the investigation, the Board of Selectmen shall take any corrective action necessary.

5. Grievance Procedures

Employees may also utilize the grievance procedure to address concerns about employment discrimination by following the grievance procedures outlined in the Personnel Policy.

6. Civil Actions and Administrative Complaints

Any Town employee served with legal process and a complaint from a federal or state court or civil rights enforcement agency (including the New Hampshire Commission on Civil Rights, or the Federal Equal Employment Opportunity Commission) will immediately advise the Town Administrator. The filing of litigation or a complaint with an administrative enforcement agency will suspend any further processing by the Town of an internal complaint made regarding the same subject matter. Upon receipt of any final order by a court or administrative enforcement agency, any internal complaint pending with the Town regarding the same subject matter will, be dismissed.

Section 17. Attendance Required

All employees are required to be punctual on reporting for their scheduled work shift. Employees are required to be in attendance, prepared to commence work activities at their designated work locations, on their assigned days and hours. Employees are required to remain at work for the entire work period, excluding meals, unless authorized by their supervisor to leave for an excused absence. Employees found to be late for or absent from scheduled work may receive counseling, be subject to disciplinary measures and or termination. Employees failing to notify their Department Head that they will be late or absent from work are subject to termination.

Section 18. Compensatory Time

The use of compensatory time in lieu of overtime is governed by the provisions of the Fair Labor Standards Act (FLSA). Hours worked in excess of a regular work week (overtime) must be approved by the Town Administrator.

Section 19. Retirement

All full-time employees will have deducted from their wages those amounts required for withholding under the Social Security Act and the New Hampshire Retirement System.

Section 20. Leaves of Absence

1. Purpose

To define the leave of absence policy of the Town of Pittsfield and to establish the criteria and the procedure for granting such leaves.

2. Policy

To protect deserving employees against loss of seniority and service credit, to the extent it is practical and fair to do so, by granting leaves of absence without pay for education, or

compelling personal reasons on the recommendation of the employee's Department Head and with the approval of the Board of Selectmen, and for military duty in accordance with existing laws. Employees granted leaves in accordance with this policy shall be considered in an inactive employment status and time, other than military duty, spent on such leaves shall not count as service or time worked for the purposes of seniority, vacation, sick leave, or other benefits.

3. Application

This policy applies to all regular employees who have completed one year of full time continuous service.

4. Definitions

See Section 11-1 of these regulations for definitions.

5. Procedure

A. Employees unable to report for work because of military duty or compelling personal reasons, or who wish to attend school, shall submit their application for Leave of Absence on the form provided.

B. The application must specify the dates and times for which the leave is requested and set forth the reasons in detail. In the case of military and educational leaves, supporting documents shall be required.

C. A Department Head will verify and substantiate the reasons whenever possible, and, after due consideration of the requirements of the Department and the length of service, attendance, work performance and attitude of the employee, will forward the request with his recommendation to the Town Administrator for transmittal to the Board of Selectmen.

D. A Department Head recommending approval of the leave of absence shall do so in a letter of transmittal and attach the Application for Leave of Absence with supporting documents.

E. Leaves of absence may be granted as follows:

1. For up to 2 years following separation from active duty for extended active military service to fulfill military obligations in accordance with appropriate statutes;

2. For 17 calendar days for Reserve or National Guard duty;

3. Until the completion of the course of instruction but not more than one semester;

4. For up to 30 days for compelling personal reasons.

Section 21. Family Medical Leave Policy

Statement of Policy

In accordance with the Family and Medical Leave Act, effective August 5, 1993, the Town of Pittsfield will grant job protection paid and/or unpaid family and medical leave to eligible male and female employees for up to 12 weeks per 12 month period for any one or more of the following reasons:

- A. The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this purpose must be taken within the 12 month period following the child's birth or placement with the employee); or
- B. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition; or
- C. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.

DEFINITIONS

- A. "12 Month Period" - means a rolling 12 month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- B. "Spouse" - does not include unmarried domestic partners. If both spouses work for the Town of Pittsfield, their total leave in any 12 month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child, or to care for a sick parent.
- C. "Child" - means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, or step-child.

Intermittent or Reduced Leave

A. An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when "medically necessary".

- 1. "Medically Necessary" - means there must be medical need for the leave and that the leave can best be accomplished through intermittent or reduced leave schedule.
- 2. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring period of leave when the leave is planned based on scheduled medical treatment.

B. An employee may take leave intermittently or on a reduced leave schedule for birth or placement for adoption or foster care of a child only with the Department Head's consent.

C. For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro-rated basis. A weekly average of the hours worked over the 12 weeks prior to the beginning of the leave should be used to calculate the employee's normal work week.

Substitution of Paid Vacation Time and Sick Leave

A. An employee will be required to substitute all unused paid vacation time and all unused paid sick leave time first for family/medical leave taken for any reason prior to and unpaid leave being taken.

B. When an employee has used his or her unused paid vacation and unused paid sick leave for a portion of family/medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid leave provided equals 12 weeks.

C. Paid family and medical leave for the birth of a child shall be for a period of 8 weeks. Additional paid time may be taken by the employee if vacation time or sick leave is available, otherwise the additional time shall be at no pay. The employee's spouse, if employed by the Town, shall be entitled to paid time from vacation time or sick leave available, but not otherwise.

Notice Requirement

A. An employee is required to give 30 days notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the Town Administrator. In unexpected, or unforeseen situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed "Request for Family/Medical Leave" form.

B. "Serious Health Condition" - means an illness, injury, impairment, or a physical or mental condition that involves:

1. Inpatient care; or

2. Any period of incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a health care provider; or

3. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days. or

4. In the case of a serious, long-term or chronic condition or disability that can not be cured, being under the continuing supervision of, but not necessarily being actively treated by, a health

care provider.

Coverage and Eligibility

A. To be eligible for family/medical leave an employee must:

1. Work at a work site which has 50 or more employees or within 75 miles of a work site that has 50 or more employees;
2. Have worked for the Town of Pittsfield for at least 12 months; and
3. Have worked at least 1250 hours over the previous 12 month period.

B. If an employee fails to give 30 days notice for a foreseeable leave with no reasonable excuse for the delay, the leave will be denied until 30 days after the employee provided notice.

Medical Certification

A. For leaves taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form and return the certificate to the Town Administrator. Medical certification must be provided by the employee within 15 days after requested, or as soon as is reasonably possible.

B. The Town of Pittsfield may require a second or third opinion (at its own expense), periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report on return to work.

C. All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical files records file.

Effect on Benefits

A. An employee granted a leave under this policy will continue to be covered under the Town's group health insurance plan, life insurance plan and long-term disability plan under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.

B. Employee contributions will be required either through payroll deduction or by direct payment to the Town. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.

C. If an employee's contribution is more than 30 days late, the Town of Pittsfield may terminate the employee's insurance coverage's.

D. If the Town of Pittsfield pays the employee contributions missed by the employee while on

leave, the employee will be required to reimburse the Employer for delinquent payments (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing payroll deduction for delinquent payments.

E. If the employee fails to return from family/medical leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member, or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the Town of Pittsfield may seek reimbursement from the employee for the portion of the premiums paid by the Town on behalf of the employee (also known as the employee contribution) during the leave period.

F. An employee is not entitled to seniority or benefit accrual during period of unpaid leave, but will not lose anything prior to the leave.

Job Protection

A. If the employee returns to work following a family/medical leave, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefit, status and authority.

B. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from the leave.

C. If the employee fails to return following a family/medical leave, the employee will be reinstated to his/her same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

Family/Medical Leave Forms to be Submitted by the Employee

A. Request for Family/Medical Leave

B. Physician or Practitioner Certificate
Family Member/Serious Health Condition
Employee Serious Health Condition

C. Authorization for Payroll Deduction for Benefit Plan Coverage Continuation During a Family/Medical Leave of Absence,

D. Fitness for Duty to Return from Leave.

Section 22. Information on Former Employees

It is the policy of the Town of Pittsfield that all requests for information regarding former employees must be in writing. No information will be taken or provided orally. All requests for information must be accompanied by a written notarized release form from the former employee authorizing release of the specific information sought or requested.

Section 23. Disciplinary Procedures

Except for gross misconduct, disciplinary action may be taken in the following order:

- A. Verbal Warning
- B. Written Warning
- C. Suspension Without Pay
- D. Discharge

However, the above sequence need not be followed if an infraction is sufficiently severe to merit immediate suspension or discharge. Additionally, the Town reserves the right to take disciplinary action in a manner consistent with the efficiency of operations and appropriate to the infraction involved.

An employee will be tendered a copy of any warning, reprimand, suspension or discharge entered on his personnel record.

Section 24. Severance Pay

All full time Town employees who have compensated absences earned (i.e. vacation or holiday) shall receive such compensation upon termination by the Town.

Section 25. Requested Notice Of Decision To Terminate Employment

Employees who decide to resign from their employment with the Town are required to notify the Town Administrator of their decision at least two (2) weeks in advance of their planned departure date.

Section 26. Grievance Procedure

The grievance procedure shall be as follows, with the exception of grieving a suspension or termination, in which case, the aggrieved will proceed directly to the third step of the procedure.

First Step - The employee shall verbally bring the grievance to the attention of his/her supervisor in writing within five working days of the event giving rise to the grievance. The supervisor shall respond in writing to the employee making the grievance within five working days of hearing the grievance to the employee making the grievance.

Second Step - If dissatisfied with the response at the first step, the employee may submit the grievance in writing to the Department Head. Submission of the grievance to the Department

Head shall be within three working days of the supervisor's decision. The Department Head shall respond in writing within three working days of receiving the grievance.

Third Step - If the employee is dissatisfied with the decision of the Department Head, or if grieving a suspension or termination, the employee may submit the grievance in writing to the Board of Selectmen within five working days of receipt of the Department Head's decision, or within five working days of the suspension or termination being grieved. The Board of Selectmen shall respond within fifteen working days of receipt of the grievance. The decision of the Board of Selectmen shall be final.

This procedure does not apply to the Police or Fire Departments or to employees covered by a collective bargaining agreement or to groups of employees who have petitioned to bargain collectively.

Section 27. Revocation

The passage and adoption of this Employee Personnel Policy and Pay and Classification Plan revokes all previously enacted Employee Personnel Policies and Pay and Classification Plans.

Section 28. Adoption

This Employee Personnel Policy and Pay and Classification Plan are adopted by the Board of Selectmen at its meeting of _____, and are effective on and after that date and upon lawful filing as required by law.

ADOPTED DATE _____

Arthur E. Morse, Chairman

Donna M. Keeley

Linda P. Small

Lawrence J. Konopka

Edward L. Vien

Board of Selectmen

TOWN OF PITTSFIELD

APPLICATION FOR LEAVE OF ABSENCE

NAME: _____ DEPARTMENT: _____

CLASSIFICATION AND TITLE: _____

DATE OF HIRE: _____

PURPOSE FOR WHICH LEAVE IS REQUESTED: _____

DATES OF LEAVE: FROM: _____ TO: _____

I understand that time spent on leave of absence is not considered time worked, that I must make arrangements with the Town for the payment of the total premiums of my group insurance coverage for the period of this leave of absence, and that failing to return to work at the expiration of an approved leave of absence shall constitute a voluntary termination of my employment with the Town of Pittsfield, and that acceptance of employment while on leave of absence (except military or educational leave) constitutes a voluntary resignation of my employment with the Town of Pittsfield.

DATE

SIGNATURE OF APPLICANT

Department Head's Recommendations: (Attach completed letter of transmittal and all supporting documentation).

DATE

DEPARTMENT HEAD'S SIGNATURE

DATE

TOWN ADMINISTRATOR'S SIGNATURE

Approved: BOARD OF SELECTMEN

DATE: _____

REQUEST FOR FAMILY/MEDICAL LEAVE

Employee Name: _____ DATE OF REQUEST: _____

Department: _____ Position Title: _____

Hire Date: _____

I request a Family/Medical Leave for the following reason (check one):

_____ A. The birth of a child and in order to care for such child or placement of a child for adoption or foster care.

_____ B. In order to care for an immediate family member if such family member has a serious health condition. Circle one: CHILD - SPOUSE - PARENT (Must submit "Physician or Practitioner Certificate" within 15 days).

_____ C. Employee's own serious health condition that makes the employee unable to perform the functions of his/her position. (Must submit "Physician or Practitioner Certificate" within 15 days).

Method of Leave Requested

_____ A. Consecutive Leave

_____ B. Intermittent or Reduced Leave Schedule (Specify schedule below)

Date Leave is to Begin: _____

Expected Duration of Leave: _____

If the duration of my family/medical leave (total of paid and unpaid time) does not exceed 12 weeks, I will be returned to my same or equivalent position. I understand that if my family/medical leave should exceed 12 weeks I will be returned to my same position or similar position, only if available, in accordance with applicable laws. If my same or similar position is not available, I understand I may be terminated.

DATE

EMPLOYEE'S SIGNATURE

PHYSICIAN OR PRACTITIONER CERTIFICATION

EMPLOYEE - SERIOUS HEALTH CONDITION
(Family and Medical Leave Act of 1993)

Employee's Name: _____

Diagnosis: _____

Date Condition Commenced: _____

Probable Duration of Condition: _____

Regimen of treatment to be prescribed (Indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Including schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week):

By Physician or Practitioner: _____

By other provider of health services, if referred by Physician or Practitioner: _____

Check yes or no in the space below, as appropriate.

Yes ___ No ___ Is inpatient hospitalization of the employee required?

Yes ___ No ___ Is employee able to perform work of any kind? (If no, skip to signature line).

Yes ___ No ___ Is employee able to perform the functions of employee's position?
(Answer after reviewing job description from employee describing essential functions of employee's position, or, if none provided, after discussing with employee).

Signature of Physician or Practitioner: _____

Type of Practice: (field of Specialization, if any): _____

Date: _____

**PHYSICIAN OR PRACTITIONER CERTIFICATE
FAMILY MEMBER - SERIOUS HEALTH PROBLEM**

(Family and Medical Leave Act of 1993)

Employee's Name: _____

Patient's Name: (if other than employee): _____

Diagnosis: _____

Date Condition Commenced: _____

Probable Duration of Condition: _____

Regimen of treatment to be prescribed (Indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Include schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week).

By Physician or Practitioner: _____

By other provider of health services, if referred by Physician or Practitioner: _____

Check Yes or No in the spaces below, as appropriate:

Yes ___ No ___ Is inpatient hospitalization of the family member (patient) required?

Yes ___ No ___ Does (or Will) the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?

Yes ___ No ___ After review of the employee's signed statement (see below), is the

employee's presence necessary or would it be beneficial for the care of the patient? (This may include psychological comfort).

Estimate the period of time care is needed or the employee's presence would be beneficial:

TO BE COMPLETED BY THE EMPLOYEE REQUESTING FAMILY LEAVE

When Family Leave is needed to care for a seriously ill family member, the employee shall state the care he or she will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to be taken intermittently or on a reduced leave schedule: _____

Employee's Signature: _____ Date: _____

Signature of Physician or Practitioner: _____

Type of Practice (Field of Specialization, Etc.): _____

Date: _____