

# City of Revere Employee Manual 2018



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**ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING**

I acknowledge that I have been given access to review City of Revere Employee manual found at [www.revere.org](http://www.revere.org).

I understand it is my responsibility to be familiar with and adhere to the provisions and policies contained therein to the extent that they do not conflict with any collective bargaining agreement or employment contract I may have. I further understand that these policies may change from time to time and it is my responsibility to keep myself informed of such changes.

\_\_\_\_\_  
EMPLOYEE PRINTED NAME

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

Note: A copy of this acknowledgement form will be placed in the employee’s personnel file.

## **ACCESS & USE OF TELECOMMUNICATION SYSTEMS**

### **APPLICABILITY**

All City employees, with the exception of those employed by the Revere School Department, are subject to the provisions of this policy. Members of City Boards, Committees and Commissions are required to comply with the Massachusetts Public Records Law and the guidelines established by the Massachusetts Office of the Attorney General with respect to the Open Meeting Law as highlighted below.

### **POLICY**

The City provides staff with the ability to send messages and information through fax, electronic mail (e-mail) and the Internet. The latter two forms of communication have become increasingly popular due to their ability to instantaneously reach a wide number of people and are provided by the City as tools to improve the efficiency and effectiveness of municipal operations.

The use of these capabilities and equipment is subject to the same management oversight as any other employee activity. The telecommunication systems are the property of the City and should be used for appropriate business purposes.

### **PRIVACY: PUBLIC ACCESS**

Massachusetts statute broadly defines the term "public record" to include all documentary materials or data, regardless of its physical form or characteristics, created or received by any official or employee of any governmental unit, unless falling within a strictly defined set of exemptions (M.G.L. c. 4 section 7(26)). E-mail is considered a public record and as such is subject to the requirements of the Public Records Law (M.G.L. c. 66). Federal courts have also held that electronic mail is considered a record for purposes of the Federal Freedom of Information Act.

All e-mail sent by a City employee and received as a principal addressee at a City-issued address or any address when in an official capacity, as well as faxes and Internet postings, should be considered a public record subject to legal discovery and record retention policies.

Employees, committees and commission members acting in their official capacity should have no expectation of privacy in their own use of these telecommunication systems. The Mayor or his/her designee reserves the right to monitor e-mail messages, Internet postings and faxes and to access all such messages residing on City equipment or property. All messages sent or received by email or the Internet are stored automatically on the City's computer system and deleting such messages does not guarantee that they cannot be retrieved.

Notwithstanding the City's right to retrieve and read any e-mail messages, faxes or Internet postings generated from or sent to a City- issued address, employees shall not retrieve or read any messages that are not sent to them unless express permission is given by the intended recipient.

No employee shall send e-mail under another employee's name nor shall any employee change any portion of a previously sent e-mail message without prior authorization.

#### **APPROPRIATE USE**

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

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

The City recognizes the rights of employees to discuss workplace issues and concerns consistent with state and federal law. However, the telecommunication systems shall not be used for personal gain or to conduct personal business, political activity, fundraising activity, or charitable activity, except as permitted by law. The transmission of materials used for commercial promotion, product endorsement or political lobbying is strictly prohibited.

The telecommunication systems shall not be used to promote discrimination based on race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference or any other category protected by state and federal law; to promote, result in, or contribute to sexual harassment; or to promote personal, political or religious business or beliefs.

The telecommunication systems shall not be used for any illegal activity, including but not limited to the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity.

No user shall violate the computer security systems implemented by the City or other institutions, organizations, companies, or individuals.

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

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

Users shall not engage in activities that could cause congestion and disruption of networks and systems, including but not limited to consuming excessive system resources.

For security purposes, employees should either log off or revert to a password screen saver when leaving their computer for an extended period of time. When leaving for the day, employees should log off. All electronic media should be kept away from magnets, including those found in telephone receivers and paper clip holders.

### **OPEN MEETING LAW COMPLIANCE**

The office of the Massachusetts Attorney General has established guidelines for the use of e-mail by members of governmental bodies. These guidelines emphasize compliance with the Open Meeting Law (M.G.L. c. 39 sections 23A-23B) by reaffirming that no substantive discussion by a quorum of members of a governmental body about public business within the jurisdiction of the governmental body is permissible except at a meeting held in compliance with the provisions of the Open Meeting Law. Despite the convenience and speed of communication by e-mail, its use by members of a governmental body carries a high risk of violating the Open Meeting Law. As with private conversations held in person or over the telephone, e-mail conversations among a quorum of members of a governmental body that relate to public business violate the Open Meeting Law, as the public is deprived of the opportunity to attend and monitor the e-mail "meeting". Because the very nature of e-mail makes it possible for private, serial conversations to reach a quorum of members without the knowledge of all participants, members of governmental bodies should exercise caution when communicating via e-mail on an individual basis.

Matters of a purely housekeeping or administrative nature, such as scheduling or canceling meetings, announcements, requests to place items on the agenda, or communications by members of a governmental body to department heads or staff may be communicated outside of a meeting, but care should be taken not to use e-mail for the purposes of deliberations.

### **FILING AND RETENTION**

As public records, the retention and disposition of e-mail communications are governed by retention schedules issued by the Secretary of the Commonwealth. Transmission data contained in an e-mail communication (full header information, including the sender, addressee, date and time of transmission and receipt, routing instruction), as well as the actual text of a message and any attachments, shall also be retained as part of the record, whether the record is printed out or stored electronically.

E-mail may be retained electronically. However, the message should be printed with full header information and attachments and retained in paper form once the applicable retention period has been determined. When appropriate, e-mail messages may be filed with program records and will be governed by the same retention schedule as the records with which they are filed. Attached or enclosed records must be filed according to their function and content, and shall also be governed by the retention schedule of the records with which they are filed. When e-mail records do not relate obviously or directly to a program, they may be filed as correspondence. If a particular record is not described on an existing records retention schedule, the appropriate department head, through the Mayor, shall apply to the Supervisor

of Public records for authority to dispose of that record, and to add records to existing schedules.

### **AGREEMENT**

All employees shall agree to abide by the Policy on Access and Use of Telecommunication Systems and shall sign a statement so stating prior to the granting of access. A signed copy of such statement shall be maintained in the employee's personnel file. Any employee who violates this policy or uses the City's telecommunication systems for improper purposes shall be subject to discipline, up to and including discharge.

Any employee with a question regarding this Policy should contact the Human Resources Director.

## **ANTI-FRAUD POLICY**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

### **POLICY**

The City recognizes the importance of protecting the City, its operations, its citizens, its taxpayers, its employees and its assets against financial risks and unethical activities. It is the policy of the City to institute and clearly communicate a fraud prevention policy in an effort to prevent and deter all forms of fraud that could threaten the security of our assets and our reputation.

The City has a Zero Tolerance policy with regard to fraud and is committed to undertake the following steps as part of its anti-fraud policy:

- Education
- Prevention
- Detection
- Investigation
- Corrective Action

### **EDUCATION**

The most effective way to reach most employees is through education. Actively fighting fraud means implementing policies and procedures that prevent and detect fraud. The City's goal is to establish and maintain an environment of fairness, ethics and honesty. To maintain such an environment requires the active assistance of every employee, every day.

## **DEFINITION OF FRAUD**

Fraud is defined as a deception deliberately practiced to secure unfair or unlawful gain. The term includes such acts as bribery, deception, embezzlement, extortion, false representation, forgery, the concealment of material facts, the misappropriation of money or assets and collusion or conspiracy to commit any or all of the above acts. Acts of fraud may include:

- Breach of fiduciary duty;
- Bribery;
- Concealment of material facts;
- Theft of money or physical property;
- Theft of secrets or intellectual property; and
- Other statutory offenses.

## **FRAUD**

Fraud, as defined by this policy, includes any misuse or attempt to misuse a City asset for personal gain or purposes unrelated to City business. It may include, but is not limited to:

- Misappropriation of assets
- Forgery, alteration or misappropriation of cash, checks, bank drafts, promissory notes, securities or any other financial document
- Unauthorized use or disposition of funds or property
- Falsifying timesheets or payroll records
- Falsifying travel expenses and /or utilizing City funds to pay for personal expenses or for personal benefit
- Theft
- Embezzlement
- Fictitious reporting of receipt of funds
- Falsification of expenses and invoices
- Profiteering
- Offering, giving, soliciting and/or accepting an inducement or reward that may improperly influence the action of an employee of the City.

## **RELATED POLICIES**

This citywide policy is designed to augment Chapter 268A of the Massachusetts General Laws ("The Conflict of Interest Law"). It is not intended to replace or preclude it in any way.

## **INTERNAL CONTROLS/INVESTIGATIONS**

The Mayor and City Auditor or designee shall be responsible for developing internal controls to aid in preventing and detecting fraud or financial impropriety or irregularity. Reports of suspected fraudulent activities shall be investigated in a manner that protects the confidentiality of the parties and avoids unfounded accusations. Employees involved in the investigation shall be advised to keep information about the investigation confidential.

If a preliminary investigation substantiates occurrence of a fraudulent activity, the department head or designee shall issue a report to the Mayor. Final disposition of the matter and any

decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with legal counsel. Results of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate need to know, or in accordance with a requirement to disclose under the provisions of the Public Records Law.

### **GENERAL POLICY AND RESPONSIBILITIES**

The Mayor or his/her designee is responsible for investigating any suspected acts of fraud. An objective investigation will be conducted of any person, group or organization reasonably believed to have committed fraud, regardless of position, job title, and length of service or relationship with the City. Department heads are responsible for instituting and maintaining programs and controls to prevent, deter and detect fraud.

All City employees, upon discovery of any violation of this policy, must notify his/her supervisor of the violation through the normal chain of command.

The Mayor or his/her designee has the primary responsibility for overseeing the investigation of all suspected fraudulent acts as defined in this policy. The Mayor may involve individuals including, but not limited to: the Auditor, City Treasurer, Police Department, Human Resources, Legal Counsel and others as deemed appropriate.

Upon conclusion of the investigation, the results will be reported to the Mayor or his/her designee. If there are reasonable grounds to believe that a fraud may have occurred, the Mayor may report the incident(s) to the appropriate authorities. Whatever action is taken by such appropriate authorities will not preclude the City from taking disciplinary action where it believes discipline is warranted. Every reasonable effort will be pursued to recover City assets.

### **SECURITY OF EVIDENCE**

Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records shall be initiated. The records will be adequately secured until the investigation is complete.

### **CONFIDENTIALITY**

All participants and all persons questioned in a fraud investigation will keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy.

### **PERSONNEL ACTIONS**

If a suspicion of fraud is substantiated by the investigation, the Mayor shall take disciplinary action up to and including dismissal and appropriate legal action. Such disciplinary action may be taken independent of any findings and conclusions reached by any appropriate authority to which the fraud allegations are reported.

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the originator. If, however, the allegation was made in bad faith or without a justifiable basis, appropriate disciplinary action may be taken against the individual making the erroneous allegation, up to and including termination.

Any employee with a question regarding this Policy should contact the Human Resources Director.

## **ATTENDANCE POLICY STATEMENT**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

### **POLICY**

In the event that an employee is unable to report to work, or will arrive late, he/she should contact his/her supervisor as soon as possible. We request that employees inform and seek approval from their supervisor in advance of any pre-planned absences.

We expect employees to use good judgment and discretion when informing us that they will be late or absent. Should emergency circumstances prevent an employee from contacting us immediately, we expect to receive notification as soon as is reasonably possible. Alternatively, in extreme circumstances, we will accept notification from a friend or family member provided that it be followed by contact from the employee as soon as is possible.

An absence is considered unexcused when an employee has failed to contact his/her supervisor within a reasonable period of time. Any employee who has an unexcused absence for three (3) consecutive days, including unexcused absences following the conclusion of an approved leave, may be considered to have voluntarily resigned. In situations when an employee has been absent due to an illness or injury for three (3) or more consecutive days, the supervisor may request written documentation from a doctor stating the reason for the absence and that the employee is able to resume normal work duties, and/or describing any accommodations that are necessary before the employee is allowed to return to work.

Employees are expected to use solid judgment and discretion when using the privilege of allowable absences. A pattern of excessive absences and/or late arrivals is a cause for concern and could lead to disciplinary action up to and including termination of employment.

Any employee with a question regarding this policy should contact the Human Resources Director.

## **COMPLAINTS AGAINST CITY OFFICIALS, EMPLOYEES AND VOLUNTEERS**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

### **POLICY**

Whenever a complaint is made against a City official, employee or volunteer, the policy of the City of Revere is to handle the matter with the respect and dignity, which both the complainant and the person against whom the complaint is directed deserve. Specifically, the City will at a minimum, inform the subject of the complaint of the substance of such complaint, give that person an opportunity to respond to the complaint at the appropriate time, fully investigate the matter, and inform the complainant and the subject of the complaint of the conclusions of the investigation to the extent permissible by law.

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

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

### **POLICY**

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

**CORI.** The Criminal Offender Record Information (CORI) system is administered by the Massachusetts Department of Criminal Justice Information Systems (DCJIS) The City is required by law to do a CORI check on employees and volunteers who will have direct and unsupervised or unmonitored contact with children, elderly and/or disabled persons. The City also reserves the right to request CORI information on other employees as allowed by law. The City will only request CORI information after a conditional offer is made to a candidate.

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

## **PERFORMANCE MANAGEMENT AND DISCIPLINARY PROCEDURES**

### **APPLICABILITY**

This policy applies to all City employees. Employees subject to the Massachusetts Civil Service Laws and/or collective bargaining agreements are subject to the provisions in this policy that do not conflict with Civil Service Laws or collective bargaining agreements.

### **PURPOSE AND SCOPE**

The purpose of this policy is to ensure that employees meet the City's legitimate expectations in the areas of performance and behavior; employees whose performance or behavior is deficient are provided with the necessary assistance and motivation to meet the City's expectations; and disciplinary action initiated against an employee is fair, consistent and appropriate.

### **POLICY**

The City has a policy of progressive discipline; however, the City reserves the right to take whatever disciplinary action is necessary depending on the nature and the severity of the issue. This means that in most instances initial issues related to performance or policy infractions will be addressed verbally by a supervisor. This also means that subsequent disciplinary action will become progressively more severe for continued unsatisfactory performance or successive offenses whether or not they are of the same nature or kind. At each step, the standard should be reiterated and the employee offered any appropriate and reasonable assistance. The primary goal of each step in the disciplinary process is the correction of the problem. The ultimate step in the disciplinary process is termination of the employee.

### **PROCEDURE**

Employees must know what is expected of them and the consequences for failing to meet these expectations. In general, the disciplinary process is set up as follows:

- Verbal conversation— Should be initiated by the employee's immediate supervisor. The supervisor should clearly state the nature of the performance issue or policy infraction, its' effect on the City, Department etc. and provide suggestions for improvement. The supervisor should take notes related to the conversation that include the following:
  - The date that the conversation took place
  - What was said by each party
  - Any questions or concerns raised by the employee
  - Any action items that were agreed to by either person

The supervisor should follow up with an email or other written note to the employee summarizing the conversation, what was agreed to by either party and the consequences for continued poor performance or policy infractions. The supervisor should also keep notes on any follow up conversations that occur as a result of this issue.

- Written Warning– Should be initiated by the employee’s immediate supervisor. This is a formal written document and the supervisor should request a template from the Human Resources Department. The written document should include the following information:
  - A record of any prior conversations related to the issue
  - A clear and concise description of the performance issue or unacceptable behavior
  - A course of action the employee needs to take to address the performance issue or unacceptable behavior
  - A time frame by which improvement must be shown

The supervisor should write the first draft of this document and forward it to Human Resources for final review and editing. The document should be presented in a private setting with a member of Human Resources present. Everyone should take notes that include:

- The date that the conversation took place
- What was said by each party
- Any questions or concerns raised by the employee
- Any action items that were agreed to by either person

The employee should be asked to sign the document within three business days. The supervisor should keep notes of all conversations related to this or other issues throughout the duration of the written notice period.

### **SUSPENSION AND TERMINATION**

Suspensions should be initiated by the supervisor and approved by Human Resources. Terminations should take place after an employee has failed to perform during a written warning plan or for serious policy infractions. Requests for termination of employment should also be approved by Human Resources. If the termination request follows a written warning period, the supervisor should submit a Performance Summary document from Human Resources. The performance summary includes the following information:

- A record of any and all conversations with the employee regarding his/her performance or behavior
- The steps taken to address the issue or behavior
- Any progress or lack thereof on the part of the employee
- A final recommendation from the supervisor and Human Resources

It is important to note that suspension or discharge may be an appropriate response depending on the nature and severity of the issue.

### **EXCEPTIONS**

Violations of work rules, instances of unacceptable behavior or misconduct, or continued poor performance will be subject to progressive discipline. However, based on the employee’s work record and the severity of the misconduct or performance issue, an escalation of the progressive discipline system may be warranted. For example, some types of misconduct are so intolerable that they may be punished by termination at the first occurrence. These include, but

are not limited to, physical attacks on supervisors or co-workers; falsification of an employment application or other work documents or records; theft; willful property damage; or use or possession of illegal drugs on the job.

## **DISCRIMINATION PREVENTION POLICY**

### **POLICY**

The City recognizes the right of individuals to work and advance based on merit, ability and potential without regard to their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), pregnancy or pregnancy related condition, participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law. Non-discrimination and equal opportunity will be the policy of the City in all of its employment programs and activities.

The policy of the City is to:

Recruit, hire and promote in all job classifications without regard to an individual's race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), pregnancy or pregnancy related condition, participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law.

Make decisions about employment to encourage the development of a diverse workforce.

Ensure that employment and promotion decisions are made in accordance with the principles of equal employment opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities.

Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, training, tuition assistance, and social and recreational programs will be administered without regard to race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), pregnancy or pregnancy related condition, participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law.

Prohibit any kind of harassment based on race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), pregnancy or pregnancy related condition, participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law.

### **DISCRIMINATION GRIEVANCE PROCEDURE**

The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that a grievant is not required to exhaust the City's procedures prior to filing a state or federal complaint or taking court action.

Anyone who feels that he or she has been discriminated against by the City on the basis of their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law in employment practices may file a grievance.

The grievance should be in writing and should contain information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities who are unable to submit a written complaint.

The grievant should first attempt to resolve the grievance at the level of the department head. The department head will notify the Human Resources Director if such a grievance is submitted.

If the grievance is not resolved to the satisfaction of the grievant, or if the department head lacks authority or jurisdiction to correct the problem, the grievance should be submitted by the grievant and or his/her designee as soon as possible to the Human Resources Director. The Human Resources Director shall conduct a complete investigation of the allegations raised in the grievance and shall respond in writing to such grievance within twenty-one work days after receipt of such grievance. The Director of Human Resources shall notify the Mayor's office of the submission and results of any grievances filed pursuant to this policy.

#### **DISABILITY DISCRIMINATION PREVENTION POLICY**

The City will not discriminate against people with disabilities including pregnancy or pregnancy related conditions in any employment practices or in any terms, conditions or privileges of employment, including, but not limited to: application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, unless such accommodation would cause an undue hardship to the City or cause a direct threat to workplace safety.

The City will provide reasonable accommodation to otherwise qualified individuals with disabilities including pregnancy or pregnancy related conditions who are employees or applicants for employment unless such accommodation would cause an undue hardship to the City or cause a direct threat to workplace safety.

#### **PROCEDURES FOR ESTABLISHING STANDARDS**

The City has and will continue to establish bona fide occupational qualifications for each position, including the education, skills, and work experience required, and the physical, mental and environmental standards necessary for job performance, health, and safety. Such standards are job-related and consistent with business necessity.

## **REASONABLE ACCOMODATION PROCEDURES**

The City will provide reasonable accommodation to otherwise qualified individuals with disabilities including pregnancy and pregnancy related conditions who are employees or applicants for employment unless such accommodation would cause an undue hardship to the City or cause a direct threat to workplace safety.

The City will provide reasonable accommodation to ensure equal employment opportunity in the application process; to enable a qualified individual with a disability to perform the essential functions of the job; and to enable an employee with a disability to enjoy equal benefits and privileges of employment.

The City need not provide reasonable accommodation for an individual who is otherwise not qualified for a position. The duty to provide reasonable accommodation is ongoing and may arise any time that an employee's job changes. It is the obligation of the individual with the disability to request the accommodation.

## **NON-DISCRIMINATION IN THE HIRING PROCESS**

**Job Advertisements and Notices:** Recruitment information should highlight the essential functions of the job.

**Accessibility of Job Information:** Information about job openings should be accessible to people with different types of disabilities. The City is not obligated to provide written information in alternative formats in advance, but shall make such available upon request.

**Recruitment:** Consistent with the purpose of the ADA, the City will continue to extend its outreach to include sources of candidates with disabilities.

## **PRE-EMPLOYMENT INQUIRIES**

The ADA prohibits any pre-employment inquiries about an applicant's disability. This prohibition does not prevent an employer from obtaining necessary information regarding an applicant's qualifications, including medical information necessary to assess such qualifications and to ensure health and safety on the job. Before making a job offer, the City may ask questions about an applicant's ability to perform specific job functions and may make a job offer that is conditioned on satisfactory results of a post-offer medical examination or inquiry. The City may not make inquiries about specific disabilities.

## **DRESS CODE**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

## **POLICY**

City of Revere employees are required to dress in an appropriate manner that is consistent with their work environment and not distracting to other employees or customers. Employees should take pride in their appearance by looking neat and clean at all times, keeping in mind that their role with the City requires an acceptable appearance.

“Business casual” attire is appropriate for our work environment. Employees shall refrain from wearing items that fall into the following categories:

- T- shirts, sweat shirts and hoodies
- Shirts or sweaters with slogans or large pictures or logos
- Tank tops or halter tops
- Micro or mini skirts
- Clothing made from sheer material or which reveals undergarments
- Shorts, sweatpants and track pants
- “Crocs” or flip flops
- Clothing that is ripped, tattered, torn or stained
- Denim jeans
- Sneakers and athletic shoes

The above list includes items that should not be worn to work. However, it is not all-inclusive. Complaints that arise regarding employee attire will be reviewed on a case-by-case basis.

It is understood that there are employees who work in the field or other places where clothing that is more casual is appropriate. These employees should use discretion when varying from the above listed standards but are allowed to wear clothing conducive to their work environment and responsibilities. Moreover, employees may wear jeans and athletic shoes on “Casual Fridays,” as long as they are not ripped, tattered, torn or stained.

The Human Resources Director or Mayor may ask an employee to leave the workplace when violations occur. The employee will not be paid for the time not worked and may be subject to appropriate disciplinary action. Any questions regarding this policy shall be directed to the Human Resources Director.

## **DRUG FREE WORKPLACE**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

**POLICY**

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

Accordingly, the City hereby notifies every employee that the manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited. Violation of this policy shall result in disciplinary action, including, but not limited to, suspension and/or termination.

The purpose of establishing a drug-free workplace policy is to inform City employees about:

- The serious danger of drug abuse in the workplace;
- The City's policy of maintaining a drug-free workplace;
- The availability of drug counseling, rehabilitation, and employee assistance programs;
- The consequences of employee drug use in the workplace.
- The City establishes, as a condition of employment, that each employee must abide by the drug-free workplace policy and that each employee must notify his or her supervisor of any conviction for violation of any federal or state criminal drug law occurring in the workplace within five (5) days of such conviction.
- The City shall notify the appropriate federal agency within ten (10) days of receiving notice of a violation of the statutes shall have up to thirty (30) days from the time it receives such notice to take appropriate personnel action, up to and including discharge.
- The City may require the employee to participate in an approved drug abuse assistance rehabilitation program.

The City will make a good faith effort to maintain a drug-free workplace through implementation of this policy statement.

The City reserves the right to search and inspect personal property, if necessary, to maintain a safe workplace. Any employee with a question regarding this Policy should contact the Human Resources Director.

**DRUGS AND ALCOHOL****APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

**POLICY**

The City of Revere reaffirms its policy prohibiting the use or possession of alcohol beverages, illicit drugs and/or controlled substances by employees while performing their jobs.

Use, sale, or possession of, or being under the influence of intoxicating beverages or controlled substances while on duty is considered cause for discharge.

The Drug-Free Work Place Act of 1988 recognizes the impact that substance abuse has on the workplace and the City of Revere strongly supports this Act. In addition, the Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety-sensitive transportation employees, i.e., employees who are required to have a commercial driver's license (CDL). This law requires employers "to conduct pre-employment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for use of alcohol or a controlled substance."

The City expects its employees to report for work able to perform their duties. While the City does not intend to intrude into the private lives of its employees, it recognizes that employees' off the job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and on the City's ability to accomplish its goal of an alcohol and drug-free environment.

#### **DRUG AND ALCAHOL TESTING**

Drug and Alcohol-Testing may be required for certain positions with the City and in certain situations should they occur. Employees who are in a union are strongly encouraged to read their Collective Bargaining Agreement thoroughly so that they understand the specific situations, employment practices or occurrences where they may be required to be tested for drugs and alcohol. This is strongly encouraged for Police, Fire and DPW employees.

### **EMPLOYEE GRIEVANCE PROCEDURE**

#### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

#### **POLICY**

The grievance procedure shall be available to employees of the City to permit the prompt and equitable disposition of any grievances. A grievance, for the purpose of this section, shall mean any dispute between an employee and his or her supervisor(s) arising out of an exercise of administrative discretion in the implementation of the City's personnel policies by such supervisor(s).

The grievance procedure shall consist of the following steps:

- The aggrieved employee shall submit the grievance in writing to the department head within five (5) working days of the date of the dispute or the employee's knowledge of its occurrence.

- The department head shall attempt to meet with the employee to resolve the matter and shall respond to the employee in writing within five (5) working days of the submission of the grievance.
- If the grievance remains unsettled, the employee may submit it to the Human Resources Director in writing within five (5) working days after the response of the department head is due.
- The Human Resources Director shall attempt to meet with the employee to resolve the matter and shall respond in writing within ten (10) working days of the submission of the grievance to him or her.
- If the grievance remains unsettled, the employee may submit it to the Mayor in writing within five (5) working days after the response of the Human Resources Director is due.

The Mayor shall attempt to meet with the aggrieved employee and shall respond, in writing, within ten (10) working days of the presentation of the grievance to him/her. The decision of the Mayor shall be final.

## **ETHICS AND CONFLICT OF INTEREST POLICY**

### **APPLICABILITY**

All municipal employees of the City of Revere, which for purposes of this policy includes persons performing services for or holding an office, position, or employment in the City, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis.

### **POLICY**

All of those in the aforementioned group hold positions of public trust and, as a result, are expected to conduct themselves in a highly professional, ethical and appropriate manner. Municipal employees shall avoid any action that might create the impression of using public office for private gain, giving preferential treatment to any person, or lacking impartiality in conducting City business. Municipal employees are expected to adhere to conduct established by the laws of the Commonwealth, including but not limited to Chapter 268A of the Massachusetts General Laws.

### **BUSINESS CONDUCT GUIDELINES**

#### **POLICY OBJECTIVE AND IMPLEMENTATION**

The objective of this policy is to ensure that the City's standards of ethical conduct have been communicated to all officials and employees and that they are understood. It is vital that each official and employee conducts her/himself in a manner that exemplifies the guiding principles of fairness, reason and honesty. The Human Resources department is responsible for future distribution and communication of this policy. Ultimately, everyone has the responsibility of implementing this policy with the continuous support from management.

## **LAWFUL STANDARD OF CONDUCT**

It is a policy of the City to ensure that its employees and officials are lawfully conducting themselves in such a manner that is fair, reasonable and honest in relation to the City's business. City employees and officials will act in compliance with all laws and regulations that may be applicable to the City's business.

## **GENERAL BUSINESS CONDUCT**

It is also a policy of the City to ensure that its employees and officials are conducting themselves in such a manner that is fair, reasonable and honest in relation to general business conduct.

City employees and officials may encounter situations in the course of their general business practice that call upon them to make an ethical judgment. With the guiding principles in mind, the City supports actions of employees when they are within the following boundaries:

- Avoid actions which can be perceived as improper or unfair in dealing with customers, suppliers and any other person or entity including but not limited to discrimination, unfair treatment of employees/customers and predatory employment practices. This responsibility is in addition to adhering to the specifics of this policy.
- Extending or receiving common courtesies such as business meals, usually associated with accepted business practice, in dealings with a customer, supplier or other non-governmental person or entity is acceptable. However, in any such dealings, City employees and officials should not request, accept, offer to give or give anything of significant value, the express or implied purpose or result of which is to influence the bona fide business relationships between the City and such person or entity.

## **CONFLICTS OF INTEREST**

A situation in which the personal interests of the employee or official and the interests of the City are in opposition will not be tolerated. This situation is both detrimental to the employee and the City.

A conflict of interest exists if the perceived or actual interests of the City and the employee are at odds. Please note that appearances that support the perception that a conflict exists, whether or not such conflict actually exists, will be treated with the same level of seriousness.

Following are common instances in which there are conflicts of interest:

- Pursuing an outside activity that impairs work efficiency, judgment and/or impartiality
- The possession of a financial interest in a supplier or other vendor to the City. However, the possession of insignificant financial holdings of a publicly traded company is acceptable. A second method to gauge the financial holdings is that the employee must be able to sell the holding upon notification, at market price, without concern for any financial loss.
- Investment or speculation in equipment, real estate, and/or materials bought or sold by the City or which is under consideration for purchase

- Intentional misrepresentation via either commission or omission; both internally and externally. For example, misconstruing or omitting facts to gain customer, vendor, or employee acceptance of a deal or policy where it would not otherwise be given.
- Revealing confidential information to outsiders or misusing confidential information. Unauthorized divulgence or use of information is a violation of this policy whether or not for personal gain and whether or not harm to the City is intended.
- Initiating or approving personnel actions affecting reward or punishment of employees or applicants where there is a family relationship or where there appear to be personal and/or social involvement. Employees may work in a situation where a family member is in the chain of command, however, the supervisor must recuse him or herself in all personal matters related to such an employee. This relationship is defined as spouses/domestic partners, children, siblings and in-laws of the same relationship.
- Borrowing money, goods or services from a customer or supplier
- Unlawfully discussing competitive bid information for contracts with City

If you think an activity you are about to pursue might be considered a conflict of interest, you must notify the Mayor's office and obtain prior approval by submitting a brief report detailing your proposed actions. If you are, or have already, participated in something that might be considered a conflict of interest, you must still submit a report as outlined in the preceding paragraph.

#### **PERSONAL USE OF CITY PROPERTY**

The use of City facilities and equipment for personal gain is strictly prohibited. Office supplies, copied software, engineering material, office machine and/or computers are not to be used for personal gain. Personal gain shall be considered the use of facilities for significant personal gain and/or personal profit.

It is a violation of City policy to operate a private business from City grounds, on City time or with City materials. However, the insignificant use of facilities for non-profit functions is acceptable.

#### **RESPONSIBILITIES AND REPORTING**

The City supports this Policy and supports employees in its implementation. Any employee having information, knowledge or suspicion of any actual or contemplated transaction which is or appears to be in violation of this Policy Statement, should promptly report the matter to the Mayor's Office. Employees may periodically be required to certify compliance with this policy statement.

Failure to comply with this policy statement will result in disciplinary action that may include reprimand, suspension, demotion or dismissal. Disciplinary measures will also apply to all managers who condone such illegal or unethical conduct by those reporting to them and do not take immediate measures to correct the same.

## **HARASSMENT POLICY**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

### **POLICY**

The City of Revere (“the City”) has promulgated a strong policy prohibiting all kinds of harassment including but not limited to sexual harassment in the workplace. It is also a goal of the City to promote a workplace free of harassment based on employees’ race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), pregnancy or pregnancy related condition, participation in discrimination complaint-related activities, sexual orientation, genetics, active military or veteran status, or any other status protected by law.

Furthermore, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

To achieve our goal of providing a workplace free from harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with if encountered by employees.

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

### **HARASSMENT AND PROHIBITED BEHAVIOR**

Harassment is verbal, physical or visual conduct which is uninvited and unwelcome and which creates a hostile or offensive work environment that unreasonably interferes with your ability to perform your job. Workplace violence and bullying are a form of harassment and will not be tolerated. Acts or threats of physical violence, including intimidation, harassment and/or coercion will not be tolerated.

Every employee is required to report incidents of threats or acts of physical violence of which he/she is aware. The report should be made to your supervisor, other management personnel or Human Resources.

The City defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Employees found in violation of this policy will be disciplined, up to and including termination of employment.

Bullying may be intentional or unintentional. However, intent will not be taken into consideration should repeated incidents of bullying occur.

### **DEFINITION OF SEXUAL HARRASEMENT**

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:

- 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,
- 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.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that 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

All employees should take special note that, as stated above, 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.

## **COMPLAINTS OF HARRASEMENT**

If any of our employees believes that he or she has been subjected to harassment based on one or more of the categories listed in the introduction to this policy, that employee has the right to file a complaint with the City. This may be done in writing or orally.

If you would like to file a complaint, you may do so by contacting the Human Resources Office, Revere City Hall, 281 Broadway. Revere, MA 02151; telephone number 781-286-8100, Extension 20015 or Paul Capizzi, Esq., City Solicitor, Revere City Hall, telephone number: (781)-286-8166.

These individuals are also available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process.

## **HARRASEMENT 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 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 it is appropriate we will also impose disciplinary action.

## **RETALIATION**

Retaliation against any employee who complains about harassment or sexual harassment or cooperates with an investigation of harassment is unlawful and will not be tolerated. Any employee who is found to have committed retaliation or has engaged or encouraged others to retaliate against another employee shall be subject to disciplinary action up to and including termination of employment. Examples of retaliation include but are not limited to negative or sexually based rumors, graffiti, jokes, cartoons, harassing or annoying phone calls, threatening gestures, attacks on social media, property damage, physical threats and unnecessarily changing working conditions to create a hardship.

## **DISCIPLINARY ACTION**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

## **STATE AND FEDERAL REMEDIES**

In addition to the above, if you believe you have been subjected to illegal 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).

- [The United States Equal Employment Opportunity Commission](#) ("EEOC"), One Congress Street, 10th Floor Boston, MA 02114, (617)565-3200
- Massachusetts Commission Against Discrimination ("MCAD"): Boston Office: 1 Ashburton Pl., Suite 601, Boston, MA 02108 – P: 617-994-6000 F: 617-994-6024 New Bedford Office: 800 Purchase St., Room 501, New Bedford, MA 02740 – P: 508-990-2390 F: 508-990-4260 Springfield Office: 436 Dwight St., Room 220, Springfield, MA 01103 – P: 413-739-2145 F: 413-784-1056 Worcester Office: 484 Main St., Room 320, Worcester, MA 01608 – P: 508-453-9630 F: 508-755-3861

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

The City will comply with the Privacy Regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. The City shall limit the use of and access to Protected Health Information (PHI) which is held by the City or its lawful agents. PHI is any written, oral or electronic form of information relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual.

Administrative, technical and physical safeguards established to limit use and access to PHI are an integral part of this policy, are established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the City.

To assure this commitment to compliance, the Mayor designates the Human Resources Director as the Privacy Contact who shall have the responsibility:

- To ensure that the Mayor is kept informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations
- To ensure that documentation of the City's efforts to comply with HIPAA privacy regulations is maintained
- To ensure that the City's group health plan subscribers are sent privacy notices and that new enrollees receive said notices
- To ensure that any PHI disclosures are tracked
- To ensure that authorizations for disclosure and use of PHI are properly processed
- To resolve complaints from individuals about possible privacy violations
- To ensure that the City continually communicates to the group health insurance program third party administrator, relevant business associates, and health insurance carriers the City's commitment to the privacy and security of PHI and securing the commitment of these entities to that privacy and security
- To ensure that all required authorizations, agreements, etc. relative to the PHI of group health insurance program participants are maintained and
- To monitor the City's compliance with HIPAA privacy regulations on a regular basis

Only those City officials with a legitimate business purpose and bona fide need to know in order to legally perform their position duties and administer the program may be given access to PHI.

The City, as an employer, may use PHI in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law for public health, communicable disease, abuse or neglect, or food and drug administration purposes.

Information which is normally maintained in the employment record which is not classified as PHI includes all forms, responses, inquiries and data relative to the Family and Medical Leave Act, drug screenings, fitness for duty, Workers' Compensation, disability, life insurance, the Occupational Safety and Health Act and sick leave.

An employee's PHI may be released for other purposes only if the employee authorizes such release. The use and/or disclosure of PHI is limited to the specific information, for the specific purpose, to and from the specific individual and/or entity, and for the specific time designated in the employee's authorization. Group health insurance program participants are allowed to review their PHI that is held by the City and to correct errors.

The City separates PHI from the employment record and retains such information in a manner where it is accessible only to authorized personnel. All entities which could receive PHI (third party administrator, ambulance billing company, fully insured plan providers, legal counsel, actuaries and consultants) must enter into a business associate agreement with the City committing to compliance with the HIPAA Privacy Regulations and providing satisfactory assurances that the business associate will appropriately safeguard the PHI.

Individuals who believe that they have been aggrieved by the use or disclosure of PHI may file a written grievance with the Privacy Contact within sixty (60) calendar days of the use or disclosure of the PHI or within fifteen (15) calendar days of their knowledge of said use or disclosure. The grievance must delineate the specifics of the complaint, including but not limited to:

- What unauthorized PHI was released
- Who received the PHI and/or is knowledgeable of the PHI
- When was the PHI released and/or when did the complainant become aware of the unauthorized knowledge of the PHI and
- What the result of the release of the unauthorized PHI was

The Privacy Contact will meet with the complainant as soon as possible after the receipt of the grievance. During this meeting, the Privacy Contact will discuss the issue brought forward with the complainant. The Privacy Contact will investigate the allegations of the complaint with the full support and assistance of City management and, if necessary, legal counsel. The Privacy Contact will provide a written report of his/her findings and recommended action, if warranted,

to the Mayor and the complainant within thirty (30) calendar days from the date of the meeting with the complainant. If for some reason the Privacy Contact is unable to conduct this meeting and/or investigation, the Mayor shall appoint an alternate senior manager to perform these duties.

Complainants may also contact the United States Department of Health and Human Services for assistance.

The City will comply with the Privacy Regulations established by the Federal Government and requires its employees to observe and comply with this policy and the use of the proper procedures and policy documents. Employees found to have breached PHI security will be subject to disciplinary action, up to and including termination.

## **LEAVE PROGRAMS**

### **BEREAVEMENT LEAVE**

#### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

#### **POLICY**

Each regular full time employee shall be entitled to up to five days of bereavement leave in the event of the death of an immediate family member. For purposes of this policy immediate family member is defined as a spouse, child, mother, mother in law, father, father in law, grand parent, brother or sister.

Each regular full time employee shall be entitled to three days of bereavement leave in the event of the death of an aunt, uncle, niece, nephew, sister in law or brother in law.

### **EMPLOYMENT LEAVE TO ADDRESS AN ABUSIVE SITUATION**

#### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

#### **POLICY**

In accordance with MGL Chapter 149, Section 52E the City of Revere provides its employees up to fifteen (15) days of unpaid job-protected leave for certain purposes in any 12-month period if the employee or employee's family member is the victim of abusive behavior. The City

requires that employees exhaust all available leave (sick, personal, vacation, etc.) before the employee may take advantage of this leave.

The City will not discharge or otherwise discriminate against any employee for exercising his/her rights in accordance with this policy. In addition, the City will not coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise the rights provided, or make leave requested or taken under this policy contingent upon whether or not the victim maintains contact with the alleged abuser.

The City will comply with all other general or special laws, including but not limited to G.L. c. 258B (concerning victims' rights) and G.L. c. 268, sec. 14B (concerning protection of victims or witnesses who appear in court).

## **DEFINITIONS**

MGL Chapter 149, Section 52E provides the following definitions:

### *Abuse:*

- Attempting to cause or causing physical harm
- Placing another in fear of imminent serious physical harm
- Causing another to engage involuntarily in sexual relations by force, threat, or duress or engaging or threatening to engage in sexual activity with a dependent child
- Engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror
- Depriving another of medical care, housing, food, or other necessities of life or
- Restraining the liberty of another

### *Abusive behavior:*

Any behavior constituting domestic violence, stalking, sexual assault or kidnapping under the definition of MGL Chapter 149, Section 52E.

### *Domestic violence:*

Abuse against an employee or the employee's family member by:

- A current or former spouse of the employee or the employee's family member
- A person with whom the employee or the employee's family member shares a child in common
- A person who is cohabitating with or has cohabitated with the employee or the employee's family member
- A person who is related by blood or marriage to the employee
- A person with whom the employee or employee's family member has or had a dating or engagement relationship.

### *Family member:*

- Parent, step-parent, child, step-child, sibling, grandparent, or grandchild

- Married spouse
- Persons in a substantive dating or engagement relationship and who reside together
- Persons having a child in common regardless of whether they have ever married or resided together
- Persons in a guardian relationship

### **ELIGIBILITY**

Employees eligible for this leave are those who are a victim of or have a family member who is a victim of abusive behavior. Perpetrators of abusive behavior are not entitled to leave under this policy.

### **LEAVE PURPOSES ALLOWED UNDER CITY POLICY**

- To seek or obtain medical attention, counseling, victim services or legal assistance
- To secure housing
- To obtain a protective order from a court
- To appear in court or before a grand jury
- To meet with a district attorney or other law enforcement official
- To attend child custody proceedings
- To address other issues directly related to the abusive behavior against the employee or family member of the employee

### **REQUEST PROCESS AND DOCUMENTATION**

A request for leave in accordance with this policy should be made in advance to the Director of Human Resources (DHR) unless there is a threat of imminent danger to the health and safety of the employee or covered family member (in which case notice shall be provided within 3 workdays). The employee must provide valid documentation to the DHR to support the request for leave. Valid documentation includes:

- A protective letter issued by a court
- A letter or documentation from the court or agency addressing the abusive behavior
- A police report
- Medical documentation of treatment as a result of abusive behavior
- A sworn statement signed under the penalties of perjury provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of abusive behavior
- A sworn statement signed under the penalties of perjury from the employee attesting that she/he had been the victim of abusive behavior or that a family member has been a victim of abusive behavior

The City shall not require an employee to show evidence of an arrest, conviction, or other law enforcement documentation for such abusive behavior.

This documentation shall not be disclosed by the DHR except in the following circumstances:

- The employee consents
- To comply with a valid court order
- To comply with applicable federal or state law
- Where such disclosure is required in the course of an investigation authorized by law enforcement agencies, including the office of the attorney general
- Where disclosure is necessary to protect the safety of the employee or others employed at the workplace

The City will maintain any documentation provided by the employee in the employee's personnel file only as long as required for the employer to make a determination whether the employee is eligible for leave under this policy.

If an unscheduled absence occurs for reasons covered by this policy, the employee must produce valid documentation of the reason for the absence within 30 days of the unauthorized absence.

## **FAMILY AND MEDICAL LEAVE ACT**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

### **POLICY**

The City will comply with the Family and Medical Leave Act (FMLA) implementing regulations as revised effective October 28, 2009. The City posts the mandatory FMLA Notice and upon hire provides all employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act in Massachusetts. The City recognizes that there are times when it may be necessary for employees to take extended leave for family and medical reasons. In accordance with FMLA of 1993, the City will provide eligible employees up to 12 weeks of unpaid leave during a 12-month period for specified family and/or medical reasons. Employees with questions about leave are encouraged to consult with the HR Department.

Leave will be granted for the following reasons:

- The birth of a child and in order to care for that child
- The placement of a child for adoption or foster care and to care for the newly placed child
- To care for a spouse, child or parent with a serious health condition (described below)
- The serious health condition (described below) of the employee
- Military caregiver leave

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of his/her position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care, or for a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three (3) consecutive days of incapacity, with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within 30 days of the incapacity, would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under FMLA policy or under the sick leave policy are encouraged to consult with the Human Resource Department. If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

Qualifying exigency leave for families of members of the National Guard or Reserves, or of a regular component of the Armed Forces, when the covered military member is on covered active duty or called to covered active duty, is also covered.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- Short-notice deployment
- Military events and activities
- Child care and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities
- Additional activities that arise out of active duty, provided that the City and employee agree on the timing and duration of the leave

**“Covered active duty” means:**

- In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.
- In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or

order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

- The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave, except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.
- Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran
- An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to care for that service member

Next of kin is defined as the closest blood relative of the injured or recovering service member.

**“Covered service member” means:**

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness or
- A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy

**“Serious injury or illness” means:**

(a) In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and

(b) In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Eligible employees include those who:

- Have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven (7) years. Separate periods of employment will be counted if the break in service exceeds seven (7) years due to

National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

- The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- The employee must work in a work site where 50 or more employees are employed by the City within 75 miles of that office or work site. The distance is to be calculated by using available transportation by the most direct route.

**Paid/unpaid leave:**

- Employees may first use accrued, but as yet unused paid leave as part of their overall 12-week leave under the FMLA
- Once any/all paid leave is used, the remainder of the 12 weeks of leave, if any, will be unpaid
- Leave covered by Workers' Compensation or disability insurance will run concurrently with FMLA leave when the employee's condition is one that meets the criteria for a serious health condition. In that case, an employee may receive more than 12 weeks of leave, however only the first 12 weeks are considered job-protected leave under FMLA
- An eligible employee can take up to 26 weeks for the FMLA circumstance (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available

**Benefits during the leave:**

- Employees will continue to be covered by the City's health, life and disability insurance on the same basis as they were covered during their active employment for up to a total of 12 weeks
- Employees must continue to pay their share of insurance premiums during leave, and a failure to pay such premiums may result in a cancellation of insurance coverage
- Employees on an approved FMLA leave will continue to accrue benefits as if they were actively employed
- If an employee fails to return from leave after 30 days, the employee will be required to reimburse the City for the insurance premiums paid by the City during leave, unless a serious health condition or other reason beyond the employee's control prevents the employee from returning from leave

## Procedures for Obtaining Leave

**Foreseeable Leave:** Where the need for leave is foreseeable (such as pregnancy, placement for adoption or foster care or planned medical treatment for a serious health condition), employees must give the City at least 30 days of advance notice before the FMLA leave is to begin, using an Application for Leave form provided by the Human Resource Department.

- If 30 days of notice is not practicable, such as in cases of medical emergency or a change in circumstances beyond the employee's control, verbal notice must be given within one or two business days from the time when the need for leave becomes known to the employee
- Such verbal notice must provide at least enough information to make the City aware that the employee needs FMLA leave and the anticipated timing and duration of the leave
- The employee will be asked to follow the verbal notice by filling out the required leave form as soon as possible
- When planning medical treatment, employees must make a reasonable effort to schedule their leave so as not to unduly disrupt the City's operations
- Failure to provide timely notice may result in the delay (but not the denial) of the taking of leave

**Unforeseeable Leave:** Where leave is unforeseeable, employees must provide notice to their supervisor within no more than one or two days of learning of the need for leave.

- Employees should give notice to their supervisor either in person, by telephone, by fax or other electronic means
- Notice may be given by the employee's spokesperson, such as a spouse, an adult family member or some other responsible party, if the employee is unable to do so personally
- The employee will be asked to follow the verbal notice by filling out the City's Application for Leave form as soon as possible

**Periodic Notification During Leave:** At least once every four (4) weeks while on leave, employees are required to contact their supervisor to report on their status and intention to return to work at the end of their leave.

### Certification of Medical Condition

- For medical leave for an employee's own serious health condition or that of a spouse, child or parent, the employee will be asked to submit a written medical certification that will be provided by the Human Resource Department
  - All information requested on the Certification Form must be supplied
  - An employee must return the Certification Form within 15 calendar days of the City's request, unless the employee is unable to do so for medical or other legitimate reasons

- When the need for medical leave is foreseeable, the City may delay the taking of leave to an employee who fails to submit a Certification Form in a timely fashion (within 15 calendar days after it has been requested), until the required Certification Form is provided
- When the need for medical leave is unforeseeable, the City may delay the continuation of leave to an employee who fails to submit a Certification Form in a timely fashion, until the required medical Certification Form is provided
- If an employee never produces a medical certification, then the leave is not FMLA protected leave. If the duration of the leave is not known at the time the leave begins, the employee is required to inform Human Resources of his/her expected return date as soon as it is known
- The City, at its own expense, may require an employee to submit to an examination by a physician selected by the City to verify the condition and expected length of disability. If the second medical opinion differs from the first, the employee may obtain the opinion of a third health care provider, who shall be chosen by mutual agreement of the employee and the City, and the cost for which shall be paid by the City

#### **Recertification of Medical Condition**

- Employees may be asked to submit recertification forms of medical condition while out on leave, at reasonable intervals of no more than once every 30 days
- If an employee fails to provide recertification as requested, the City may delay further leave until it is provided

#### **Certification of Qualifying Exigency for Military Family Leave**

- The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/esa/whd/forms/WH-384.pdf>)

#### **Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave**

- The City will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov/esa/whd/forms/WH-385.pdf>)

**Intermittent or Reduced Scheduled Leave:** Where medically necessary to care for a seriously ill spouse, child or parent, or because the employee is seriously ill and unable to work, an employee may take leave on an intermittent or reduced schedule basis:

- Intermittent or reduced schedule leave cannot exceed a total of 12 weeks in a 12-month period
- Employees must notify Human Resources of the need for such leave as soon as possible so that an accommodation can be reached which best suits both parties
- Employees needing intermittent FMLA leave or leave on a reduced schedule must attempt to schedule their leave so as not to disrupt operations
- The City may assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule
- The need for, and nature of, the intermittent or reduced schedule leave must be certified by a physician, explaining why the intermittent/reduced schedule leave is necessary and the schedule for treatment, if applicable

If intermittent leave is desired for the birth, adoption or placement with the employee of a child for foster care, an employee may take intermittent leave or work on a reduced schedule only if mutually agreed to, in writing, by the City.

**Calculation of leave:**

- Eligible employees may take up to 12 weeks of leave during any 12-month period. The 12-month period is a "rolling period" measured backward from the date an employee uses any leave under this policy
- Each time an employee takes leave under this policy, the remaining leave entitlement will be any balance of the 12 weeks that has not been used during the immediately preceding 12 months
- Example: If an employee used four weeks of leave beginning February 1, 2017, four weeks beginning June 1, 2017, and four weeks beginning December 1, 2017, the employee would not be entitled to any more leave until February 1, 2018. At that time, the employee would be entitled to four weeks of leave and an additional four weeks on June 1, 2018, etc.
- If both a husband and wife are employed by the City, they are only entitled to take a combined total of 12 weeks of leave if the leave is taken: (1) for the birth of a child and to care for the child after birth; (2) for the placement of a child with the employees for adoption or foster care and to care for the child after placement; or (3) to care for a parent with a serious health condition

**Return to Work:** Before returning to work after a leave based on an employee's own serious health condition that lasted more than 14 days, the employee must present a Certification of Ability to Return to Work:

- The form must be completed by the employee's health care provider, and it must state that the employee can return to work and must describe any work restrictions
- If an employee fails to provide a requested Certification of Ability to Return to Work, the City may delay restoration of the employee's job until the employee submits the Certification

An employee who takes leave in accordance with the policy will be entitled to return to his/her position or an equivalent position after the leave:

- However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA period
- Thus, for example, if there is a layoff resulting in an employee's termination of employment, the City's obligation to continue health benefits and restore the employee to his/her former position ceases, provided the City has no continuing obligations under the labor contract or otherwise

If there is a change in circumstances that allows an earlier return to work than was anticipated, employees must provide two (2) business days' advance notice of any such change.

The failure of an employee to return to work upon the expiration of a family or medical leave of absence may subject the employee to immediate termination of employment, subject to applicable laws.

**Work During Leave Prohibited:** Employees on approved leave are prohibited from working elsewhere in any capacity that is inconsistent with the reason for their leave, without the written permission of the City. Violators will be subject to discharge.

This policy is intended to be in full compliance with The Family and Medical Leave Act of 1993 (FMLA). Definitions of terms such as: "immediate family member," "parent," "spouse," "son," "daughter," "serious health condition," "health care provider," "group health plan," "intermittent leave," "key employee" and other terms defined in the Act will be interpreted according to FMLA requirements. Likewise, employee and employer rights and responsibilities will be interpreted according to the FMLA regulations.

The City reserves the right to modify or change this policy at any time, with proper notice and in accordance with any applicable laws.

## **MASSACHUSETTS PARENTAL LEAVE**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

### **ELIGIBILITY**

An employee is eligible for maternity leave under the MMLA (Massachusetts Maternity Leave Act) if:

- He or she has completed the initial probationary period, if any, set by the terms of employment; or, if there is no such probationary period, has been employed by the same employer for at least three consecutive months as a full-time employee; and

- Is absent from such employment for a period not exceeding eight weeks for the purpose of:
  - giving birth; caring for or
  - adopting a child under the age of 18 or
  - adopting a child under the age of 23, if the child is mentally or physically disabled and
- He or she gives the City at least two weeks' notice of the anticipated date of departure and intention to return.

**POLICY**

If an employee meets these eligibility requirements, the City will grant up to eight weeks of unpaid parental leave under the MMLA.

**PAID/UNPAID LEAVE**

- In situations where an employee is eligible for both MMLA and FMLA Leave, MMLA leave runs concurrently with FMLA leave
- Employees may first use accrued, but as yet unused paid leave as part of their overall 8-week leave under the MMLA
- Once any/all paid leave is used, the remainder of the eight (8) weeks of leave, if any, will be unpaid

**BENEFITS DURING LEAVE**

- Employees will continue to be covered by the City's health, life and other insurance on the same basis as they were covered during their active employment for up to a total of eight (8) weeks
- Employees must continue to pay their share of insurance premiums during leave, and a failure to pay such premiums may result in a cancellation of insurance coverage
- Employees on an approved MMLA leave will continue to accrue benefits as is they were actively employed

**RETURN TO WORK**

Before returning to work after a leave based on an employee's own serious health condition that lasted more than 14 days, the employee must present a Certification of Ability to Return to Work:

- The form must be completed by the employee's health care provider, and it must state that the employee can return to work and must describe any work restrictions
- If an employee fails to provide a requested Certification of Ability to Return to Work, the City may delay restoration of the employee's job until the employee submits the Certification

## **MASSACHUSETTS PREGNANT WORKERS FAIRNESS ACT**

### **APPLICABILITY**

This policy applies to all City workers and applicants.

### **POLICY**

The Massachusetts Pregnant Workers Fairness Act expressly forbids discrimination against employees due to pregnancy or pregnancy related conditions. Accordingly, the City will engage in a timely and good faith process to determine and provide “reasonable accommodations” to an employee who is pregnant or who has a condition related to pregnancy and will not take adverse action against any employee for requesting such accommodations. Further, the City will not discriminate against applicants on the basis of pregnancy or pregnancy related conditions.

### **DEFINITIONS**

- Pregnancy related condition: physical conditions that occur during and after pregnancy which include but are not limited to morning sickness, lactation, or the need to express milk
- Reasonable accommodation: A modification or adjustment that allows an employee to perform the essential functions of the employee’s position without placing an undue hardship on the City
- Undue hardship: An action that would require significant difficulty or expense on the part of the City

### **ACCOMMODATION REQUESTS**

Employees wishing to make an accommodation request should contact the Human Resource Department. Once a request is received the City will engage in a good faith effort to provide reasonable accommodations. As part of this process the City may request medical information but only to determine what course of action may be in the best interest of the City and the employee.

### **REMEDIES**

If you believe you have been discriminated against, you may file a formal complaint with the Massachusetts Commission Against Discrimination. Using our complaint process does not prohibit you from filing a complaint with these agencies. The agency requires that you file a claim within 300 days of when the alleged discrimination occurred.

Boston Office: 1 Ashburton Pl., Suite 601, Boston, MA 02108 – P: 617-994-6000 F: 617-994-6024

New Bedford Office: 800 Purchase St., Room 501, New Bedford, MA 02740 – P: 508-990-2390 F: 508-990-4260

Springfield Office: 436 Dwight St., Room 220, Springfield, MA 01103 – P: 413-739-2145 F: 413-784-1056

Worcester Office: 484 Main St., Room 320, Worcester, MA 01608 – P: 508-453-9630 F: 508-755-3861

## **MILITARY LEAVE POLICY**

The City is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination based on that person's membership in or obligation to perform service for any of the uniformed services of the United States. Specifically, no person will be denied employment, re-employment, promotion or other benefit of employment based on such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his/her rights under applicable law or this policy. If any employee believes that he/she has been subjected to discrimination in violation of this policy, the employee should immediately contact Human Resources.

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement, which provides a greater benefit than those provided under the policy.

### **ELIGIBILITY**

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include but are not limited to leaves of absence taken by members of the uniformed service including Reservists and National Guard member for training, periods of active military service and funeral honors duty, as well as time spent being examined to determine fitness to perform such service.

### **PAYMENT OF WAGES, SICK AND VACATION ACCRUAL WHILE ON MILITARY LEAVE**

Employees who are called to military duty not for training purposes for a minimum period of nine months out of the Continental United States including its territories, Hawaii and Alaska will receive the difference between any military pay they receive and their regular salary for a period of up to one year. Employees who are called to such duty shall not accrue additional vacation or sick leave. Upon return to full time employment, said employee shall be credited with vacation leave and sick leave equivalent to that which would have been earned during military duty. In no event shall the vacation credited exceed one year's accrual.

Employees who are taking time off to attend Mandatory Annual Training and parades, compensation will be paid up to a maximum of 17 days each calendar year. These 17 days do not rollover from one calendar year to another and may only be used for purposes of actual mandatory on-site training or parades. For purposes of this policy, a "day" shall mean eight working hours. Therefore, employees who routinely work shifts that are in excess of eight hours may need to take multiple days in order to cover a shift that is missed due to training. Employees who are taking time off under this section will continue to accrue sick time; vacation time and any other accrual based benefits as well as holiday pay during this time. The City may not require the employee to use any accrued vacation, personal, or similar leave with pay during a period of service in the uniformed services. An employee is entitled to paid time off to

travel to the training site and eight hours of rest time before and after the training. Additional time may be used from vacation accruals.

Employees who are on a military leave that is for a period of less than nine months that is not out of the Continental United States including its territories, Hawaii and Alaska or who are on leave for training purposes and who have exhausted their annual allotment of 17 days will cease to receive payment of wages and will cease to accrue leave benefits such as sick and vacation time.

### **PROCEDURES FOR MILITARY LEAVE**

Unless military necessity prevents it, or it is otherwise impossible or unreasonable, an employee should provide notice of the need for leave as far in advance as is reasonable under the circumstances. Generally, at least 30 days of notice is requested.

- Written notice is preferred, but not required under the law or this policy. Regardless of the method of notice such notice should include the following information:
  - The dates the employee will be unavailable to work
  - A general description of the training/military activity including whether or not such activity is required to maintain Guard or Reserve status unless the nature of such activity must be kept from the public
  - The name and contact information of the military authority with whom the nature and timing of your leave can be discussed
- In cases where military service is voluntary and poses an undue burden on the City or poses a risk to public safety the City reserves the right to contact the proper military authority and seek to arrange an alternate date of service
- To request a temporary or extended military leave of absence, the employee should generally obtain a Request for Leave of Absence Form from Human Resources
- Human Resources will review and sign the Request for Leave of Absence Form, collect any applicable insurance premiums from the employee, generate other applicable documents and process accordingly
- When the employee intends to return to work, he or she must make an application for re-employment to Human Resources within the application period set forth below
- If the employee does not return to work, the supervisor must notify Human Resources so that appropriate action may be taken

### **BENEFITS AND RETIREMENT**

- An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins
- The employee must pay, per pay period, the premium normally paid by the employee; After the initial 31-day period, the employee and covered dependents can continue

group health insurance for up to 24 months at 102 percent of the overall (both employer and employee) premium rate

- The City will continue to deduct and submit contributions to the retirement system for any employee who is on a military leave and who is receiving any form of pay from the City
- The City will contribute to the retirement system on behalf of any employee who is called to military service out of the Continental United States including its territories if the employee has already served one year in such capacity and has exhausted all means of pay
  - These contributions will continue for a maximum period of four years

### **RE-EMPLOYMENT**

Upon an employee's prompt application for re-employment (as defined below), an employee will be reinstated to employment in the following manner depending on the employee's period of military service:

- Less than 91 days of military service – (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the City, in the position in which the employee had been employed prior to military service
- Employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the City, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform
- Employee with a service-connected disability – If after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he/she would have attained or in the position that he/she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the City; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation

### **APPLICATION FOR RE-EMPLOYMENT**

An employee who has engaged in military service must, in order to be entitled to the re-employment rights set forth above, submit an application for re-employment according to the following schedule:

- If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service), the employee must report for re-employment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence
- If service is for 31 days or more but less than 181 days, the employee must submit an application for re-employment with Human Resources no later than 14 days following the completion of service

- If service is over 181 days, the employee must submit an application for re-employment with Human Resources no later than 90 days following the completion of service
- If the employee is hospitalized or convalescing from a service-connected injury, the employee must submit an application for re-employment with Human Resources no later than two years following completion of service

### **EXCEPTIONS TO RE-EMPLOYMENT**

In addition to the employee's failure to apply for re-employment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

- The City's circumstances have so changed as to make re-employment impossible or unreasonable
- Re-employment would pose an undue hardship upon the City
- The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period
- The employee was discharged under other than honorable conditions

### **GENERAL BENEFITS UPON REEMPLOYMENT**

Employees re-employed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job. Additionally, upon re-employment, a covered employee will not be discharged except for cause for up to one year following re-employment.

### **DOCUMENTATION**

If service is for 31 days or more an employee's supervisor will, upon the employee's application for re-employment, request that the employee provide the City with military discharge documentation to establish the timeliness of the application for re-employment, the duration of the military service and the honorable discharge from the military service.

## **PERSONAL LEAVE**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

### **POLICY**

Each regular full time employee shall be entitled to two personal days in each calendar year. Requests for personal leave are subject to approval from the department head and should be

made no less than two weeks in advance. Personal days expire at the end of the calendar year and are not paid out upon termination of employment.

## **SICK LEAVE**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

### **ACCRUAL**

Employees who are part of a union accrue sick time according to the provisions set forth in their collective bargaining agreement. Such employees are encouraged to read their collective bargaining agreement so that they understand how their sick time is accrued.

Full time employees who are not part of a collective bargaining unit accrue fifteen (15) sick days per calendar year.

### **SICK LEAVE USAGE**

Sick leave may be used for one's own illness or injury. The City may require that an employee who is absent due to illness or injury for five consecutive days or more than five days in any month provide satisfactory medical verification of illness. Failure to provide requested verification of illness could result in disciplinary action up to and including termination of employment.

### **RETURN TO WORK**

At his or her discretion, a supervisor may require an employee who has been out of work for five consecutive days or more than five days in any month to present a Certification of Ability to Return to Work:

- The form must be completed by the employee's health care provider, and it must state that the employee can return to work and must describe any work restrictions
- If an employee fails to provide a requested Certification of Ability to Return to Work, the City may delay restoration of the employee's job until the employee submits the Certification

### **SICK LEAVE INCENTIVE**

Employees who are part of a collective bargaining unit may have incentives to exchange unused sick time for additional pay. All employees are encouraged to review their respective collective bargaining agreements so that they can understand the benefits available to them.

Employees who are not part of a collective bargaining unit may choose to carry over their sick time into the next calendar year. An employee who has accumulated thirty (30) days of sick time and who has used less than four (4) days in the calendar year may also choose to exchange a portion of their unused sick time and receive a cash payment as follows:

<b>Number of sick days used</b>	<b>Exchange</b>
Less than three (3)	Exchange number of days used for a week of salary
Less than four (4)	Exchange number of days used for four (4) days of pay
Less than five (5)	Exchange number of days used for three (3) days of pay

**SICK LEAVE AFTER TERMINATION**

Accrued sick leave is not paid out upon termination of employment with the City except in the case of retirement as described below.

**RETIREMENT BUY BACK**

A full time employee who terminates her or his employment, retires pursuant to Massachusetts General Law c32, is immediately eligible for retirement benefits and who has accumulated at least fifty sick days as of the date of retirement shall as of the date of her or his termination be eligible to redeem any accumulated unused sick days up to a maximum of three hundred days in accordance with the following chart:

<b>Number of days</b>	<b>Rate per day</b>
Up to one hundred (100) days	\$30.00
One hundred one (101) through two hundred (200)	\$40.00
Two hundred one (201) to three hundred (300)	\$75.00

**SMALL NECESSITIES LEAVE ACT (SNLA) POLICY**

**APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

**POLICY**

The City will comply with the provisions of the Small Necessities Leave Act (“SNLA” or “The Act”), which mandates that employers permit eligible employees to take up to a total of 24 hours of unpaid leave for certain purposes within a 12-month period. The starting and ending date of such 12-month period shall be determined by counting forward from the date of the employee’s first request for leave under the Act.

The SNLA permits 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

Leave under the Act may be taken on an intermittent basis (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.

Employees must substitute any available accrued paid vacation, personal or sick leave for the leave provided for by the SNLA.

Employees may be required by the City to provide written certification or documentation to support a request for leave under the Act.

## **VACATION LEAVE**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

### **ACCRUAL**

Employees who are part of a union accrue vacation according to the provisions set forth in their collective bargaining agreement. Such employees are encouraged to read their collective bargaining agreement so that they understand how their vacation time is accrued. Full time employees who are not part of a collective bargaining unit accrue vacation time as follows:

<b>Completed years of service</b>	<b>Monthly accrual</b>	<b>Annual maximum</b>
Less than four (4)	One (1)	Ten (10)
Four (4) – Eight (8)	One and half (1.5)	Fifteen (15)
Nine (9) – Eighteen (18)	Two (2)	Twenty (20)
Nineteen (19) or more	Two and one half (2.5)	Twenty five (25)

An employee who is on any type of leave without pay other than FMLA for five or more working days during the month shall not accrue vacation leave for that month.

### **VACATION LEAVE USAGE**

Requests for vacation leave should be made in writing to the department head at least two weeks in advance. Vacation leave must be used in the same calendar year in which it was

accrued. Vacation leave may be carried over into the succeeding year calendar only upon a determination by the Mayor that it was impossible or impractical for the employee to have taken his or her leave during the current year. An employee who seeks such a determination must submit a written request to the Mayor no later than December 1 of the calendar year. The written request should include the following information:

- The employee's name, job title and department
- The amount of time to be carried over
- A detailed explanation of why it was impossible or impractical for him or her to take the vacation during the current year
- By when the employee plans to use the vacation

The determination of the Mayor on any request is final and will not be subject to review under any grievance procedure or arbitration provisions of any collective bargaining agreement. If the request is refused, the accrued but unused vacation will be forfeited and will not be paid out in cash.

#### **VACATION LEAVE AFTER TERMINATION**

Accrued but unused vacation time will only be paid out upon termination of employment with the city not to exceed five weeks of pay.

#### **BORROWING VACATION LEAVE**

A full time employee may borrow against vacation leave that he or she is scheduled to accrue during the calendar year. If the employee leaves employ with the City prior to actually accruing the leave that has been borrowed, the employee will be required to reimburse the City for vacation time taken but not accrued. The moneys owed will be deducted from the employee's final paycheck. If the employee's final paycheck is insufficient to cover the money's owed the employee will be billed for the remainder.

### **PAYROLL PRACTICES**

#### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

#### **ERROR IN PAY**

Every effort is made to avoid payroll errors. Employees who believe an error has been made should immediately bring this to the attention of the payroll department. The City will take the necessary steps to research the problem and to assure that any necessary correction is promptly made. The City reserves the right to recoup any salary overpayments by deducting such overpayments from subsequent paychecks.

#### **WEEKLY PAY CYCLE**

The City workweek begins on Thursday and ends on Wednesday. City employees are paid on Wednesday of each week, for a total of 52 pay cycles per year. Each week, employees are paid for all hours worked from the previous week.

### **MANDATORY DEDUCTIONS**

The City is required by law to make certain deductions from your paycheck in each pay period. Among these are your federal, state and local income taxes and contributions to Social Security, as required by law. These deductions will be itemized on the check stub. The amount of the deductions will depend on earnings and on the information furnished on the W-4 form regarding the number of exemptions each employee claims. Employees who wish to modify this number should request a new W-4 form from the Human Resources representative. A signed W-4 form is required to make changes to tax deductions. Verbal or written instructions are not sufficient to modify withholding allowances. We advise employees to check their pay stubs to ensure that they reflect the proper number of withholdings. The W-2 form you receive annually reflects how much of your earnings were deducted for these purposes.

Any other mandatory deductions to be made from your paycheck, such as court-ordered garnishments, union dues and mandatory retirement programs will be explained whenever the City is ordered to make such deductions.

**Note:** Please see the “Wage Garnishments” section for further information.

### **ELECTIVE DEDUCTIONS**

The cost of premiums and the amount of elective deferrals relating to benefit plans in which employees participate shall also be deducted from pay.

### **PAYCHECK DISTRIBUTION**

The City strongly encourages all employees to utilize direct deposit. Paycheck deposits slips and live paychecks are distributed weekly.

### **OVERTIME PAY**

Non-exempt employees are eligible to receive overtime pay of one and one-half (1 1/2) times the regular hourly wage for hours worked that exceed forty (40) hours in one (1) week, unless otherwise required by law. If, during that week, the employee was away from the job because of a job-related injury, paid holiday, jury duty, vacation day or paid sick time, those hours not worked will not be counted as hours worked for the purpose of computing eligibility for overtime pay.

All overtime must be approved in advance by the department head.

### **TIME RECORDS**

In order to comply with legal requirements, we are obligated to keep accurate records of the time worked by employees. Therefore, it is critical that all employees accurately record their time at the end of each workweek. Employees should make every effort to ensure that they

accurately record their time in half-hour increments. Employees cannot record their time in advance unless they are recording a planned absence, such as vacation time. No one may record hours worked on another employee's timecard or timesheet. Tampering with another employee's time record is cause for disciplinary action, up to and including termination of both employees.

In the event that a timesheet is submitted with an error, the employee must correct it before the department head will approve the timesheet. If a correction is required after the approval has been submitted, the employee will have the opportunity to correct and then resubmit the timesheet and the appropriate revisions will be made in the following payroll.

Employees who utilize a time clock should make every attempt to record their time accurately every day. While it is normal to forget to punch in or out from time to time, excessive and/or repeated instances of not punching in or out will be cause for disciplinary action up to and including termination of employment. Further, such employees should not punch in prior to the beginning of their shift unless they are directed to do so by their supervisor.

It is the responsibility of the department head to review all timesheets for correct information prior to approval and to submit them to payroll each Wednesday before noon.

#### **WAGE GARNISHMENTS**

In the event that earnings become the subject of a garnishment or other legal process served on the City, requiring the City to withhold earnings, the employee will be notified before deductions are made. The City acts in accordance with the Federal Consumer Credit Protection Act, which places restrictions on the total amount that may be garnished from a paycheck.

Note: Please see "Mandatory Deductions" earlier in this section for further information.

### **PAY INCENTIVES**

#### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed or included in a collective bargaining agreement. Employees subject to collective bargaining agreements that does not specifically address educational incentives do not receive this benefit. Employees subject to a collective bargaining agreement that includes an educational incentive plan are subject to the provisions of that plan.

#### **EDUCATIONAL INCENTIVES**

Full time employees shall be eligible for the following percentage increases to their base annual compensation according to the following schedule:

<b>Degree Attained</b>	<b>Percentage Increase to Base Compensation</b>
Associates	3.5%
Bachelors	7.5%
Masters	10%

All degrees must be earned from an educational institution accredited by the New England Association of Colleges and Secondary Schools or by the Board of Higher Education of the Commonwealth of Massachusetts.

In order to receive the increase, the employee must have received the applicable degree on or before July 1 of that year and must have filed a request for the increase on a form prepared by the City Treasurer, on or before February 1 of the preceding year. New employees must submit such documentation within thirty days of employment. The employee may only receive an increase for the highest degree obtained.

#### **LONGEVITY INCENTIVE**

Full time employees who have completed nine or more years of continuous service with the City will receive an increase in pay according to the following schedule:

<b>Years of Employment Completed</b>	<b>Additional Compensation</b>
9 years of continuous employment	\$1,000
10 years of continuous employment	\$1,100
11 years of continuous employment	\$1,200
12 years of continuous employment	\$1,300
13 years of continuous employment	\$1,400
14 years of continuous employment	\$1,600
15 years of continuous employment	\$1,800
16 years of continuous employment	\$2,000
17 years of continuous employment	\$2,200
18 years of continuous employment	\$2,400
19 years of continuous employment	\$2,600
20 years of continuous employment	\$2,800
21 years of continuous employment	\$3,000
22 years of continuous employment	\$3,200
23 years of continuous employment	\$3,400
24 years of continuous employment	\$3,600
25 years of continuous employment	\$3,800
26 years of continuous employment	\$4,000
27 years of continuous employment	\$4,200
28 years of continuous employment	\$4,400
29 years of continuous employment	\$4,600
30 years of continuous employment	\$4,800
31 years of continuous employment	\$5,000

32 years of continuous employment	\$5,200
33 years of continuous employment	\$5,400
34 years of continuous employment	\$5,600
35 years of continuous employment	\$5,800
36 years of continuous employment	\$6,000
37 years of continuous employment	\$6,200
38 years of continuous employment	\$6,400
39 years of continuous employment	\$6,600
40 years of continuous employment	\$6,800

## **PERSONNEL RECORDS**

### **POLICY**

The Human Resources Department shall maintain the official personnel files. Department heads may maintain files supporting departmental personnel actions, and the material in these files shall be, if required by M.G.L. Chapter 149, Section 52C, considered part of an employee's personnel file. An employee will be notified in accordance with M.G.L. Chapter 149, Section 52C when material listed in that statute is placed in the employee's personnel file. An employee may review his/her personnel file and receive a copy of such file as set forth in M.G.L. Chapter 149, Section 52C. An employee may request that material be removed from the personnel file. If such request is denied, the employee may submit a written rebuttal, which shall be included in the personnel file.

It is the responsibility of employees to inform the Human Resources Department, the Treasurer's Office and the Retirement Board of changes in their name, address, telephone number, marital status, and person(s) to be notified in an emergency. In addition, employees are responsible for notifying the Human Resources Department, the Treasurer's Office, and the Retirement Board of changes that are required to guarantee proper coverage in the appropriate health benefit, life insurance and retirement plans.

## **POLITICAL ACTIVITY**

### **APPLICABILITY**

This policy applies to all City workers.

### **POLICY**

The Federal Hatch Act, as well as Massachusetts General Laws Chapter 55, as administered by the Massachusetts Office of Campaign and Political Finance (OCPF), restricts political activities of public employees. During work hours, employees may not work or be assigned to work for or on behalf of a political candidate or activity or participate in other political activity such as lobbying, collecting funds, making speeches, assisting at meetings or distributing political pamphlets. Under no circumstances may an employee participate in any form of fundraising for a political candidate or activity. All employees shall comply with the Hatch Act and OCPF

requirements. Furthermore, no employee shall use City property or equipment for political activities at any time.

Employees who violate this policy are subject to disciplinary action up to and including termination of employment.

## **RECRUITMENT & SELECTION, AFFIRMATIVE ACTION AND NON-DISCRIMINATION**

### **RECRUITMENT AND SELECTION**

The City of Revere is dedicated to the principles of non-discrimination and affirmative action in recruiting and selecting employees.

### **AFFIRMATIVE ACTION**

The City, recognizing the right of an individual to work and to advance on the basis of merit, ability and potential without regard to race, sex, color, handicap, pregnancy or pregnancy related condition, religion, national origin, national ancestry, age, or other statuses protected by law, resolves to take affirmative action measures to ensure equal opportunity in the areas of hiring, promotion, transfer, recruitment, layoff or termination, rate of compensation, and in all terms and conditions of employment.

### **NON-DISCRIMINATION**

The City, as an Equal Employment Opportunity Employer, shall consider applicants for employment with the City and candidates for promotion on the basis of their qualifications to perform the essential functions of a position with or without reasonable accommodation and without regard to race, color, political or religious affiliation, sex, age, marital status, national origin, place of birth, veteran status, disability pregnancy or pregnancy related condition, or any other status protected by law.

## **REFERENCE POLICY**

### **APPLICABILITY**

This policy applies to all City employees.

### **POLICY**

All requests for references shall be directed to the Director of Human Resources. Employees, supervisors and department heads are prohibited from providing references for current or former employees, except that a supervisor or department head may respond to a request for a reference regarding a current employee seeking a promotion and/or transfer to another department if such response is authorized by the Director of Human Resources.

## **SOCIAL NETWORKING POLICY**

### **APPLICABILITY**

This policy applies to all City workers.

### **INTRODUCTION**

This Policy is intended to provide guidance with regard to the personal use of social networking sites during non-work hours and on equipment not belonging to the City. Use of such social networking sites during work hours or on equipment owned and/or maintained by the City is strictly prohibited.

### **PURPOSE**

Because of the City's substantial interest in maintaining a professional, collegial, confidential, and impartial workplace, it is imperative that all City employees who engage in use of social networking sites, such as Facebook, Twitter, and others, accept the terms of this policy and any such additional related policies that may be issued by the City. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Employees are encouraged to remember that information posted on the internet can be easily traced back to its author and should think before posting information to any online source. Statements made by employees pursuant to their official duties are not insulated from discipline because they occurred on social networking sites. The list of social networking sites contained above is not intended to be exhaustive, and shall be deemed to include any social networking sites in existence at the time this policy is reviewed by the employee or created thereafter.

### **GUIDELINES FOR USAGE**

#### **PROFESSIONAL JUDGEMENT**

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

#### **IMPROPER PRACTICES**

It is not possible to list all the circumstances that may constitute violations of this policy. Activities and/or actions which are considered offensive are messages or material which contain nudity, sexual references or implications, sharing demeaning pictures, cartoons, or jokes, racial or ethnic slurs, or other comments that inappropriately address someone's race,

color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or any other status prohibited under state or federal anti-discrimination statutes.

### **VIOLATIONS OF POLICY**

Violation(s) of this policy may result in disciplinary action up to and including termination from employment. Violations of this policy may also result in referral of a case to the appropriate authorities for civil or criminal prosecution. Employees shall report violations of this Policy to their supervisor, or in the case of department heads, directly to the Director of Human Resources. Retaliation against another user for reporting a violation or violations of this Policy is strictly prohibited by the City.

## **STANDARDS OF CONDUCT POLICY**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy, which do not conflict with collective bargaining agreements.

### **POLICY**

Whenever people gather together to achieve goals, some rules of conduct are needed to help everyone work together efficiently, effectively and harmoniously. By accepting employment with us, all employees have a responsibility to the City and to their co-workers to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict rights, but rather to be certain that everyone understands what conduct is expected and necessary. When each person is aware that he/she can fully depend on fellow workers to follow the rules of conduct, our organization will be a better workplace for everyone.

### **UNACCEPTABLE ACTIVITIES**

The City expects each person to act in a mature, professional and responsible way at all times. If any employee has questions concerning any work or safety rule, or any of the unacceptable activities listed below, they should address the issue with their supervisor or Human Resources for an explanation. Note that the following list of unacceptable activities does not include all types of conduct that can result in disciplinary action, up to and including termination of employment. Unacceptable activities include, without limitation, the following:

- Violation of security or safety rules or failure to observe safety rules or safety practices; failure to wear required safety equipment; tampering with equipment or safety equipment. Negligence or any careless action that endangers the life or safety of another person.
- Being intoxicated or under the influence of a controlled substance while at work or excessive drinking or drunkenness at City-sponsored social events; use, possession or sale of a controlled substance in any quantity while on City premises. Use and possession, but not sale, of medications prescribed by a physician which do not impair work performance are exceptions

- Unauthorized possession of dangerous or illegal firearms, weapons or explosives on City property or while on duty
- Engaging in criminal conduct or acts of violence or making threats of violence toward anyone on City premises or when representing the City; fighting, or provoking a fight on City property, or negligent damage of property
- Insubordination or refusing to obey instructions properly issued by your supervisor pertaining to your work; refusal to help on a special assignment
- Threatening, intimidating or coercing fellow employees on or off the premises at any time, for any purpose
- Engaging in an act of sabotage; negligently causing the damage or destruction of City property or the property of fellow employees, customers, suppliers or visitors
- Theft or unauthorized possession of City property or the property of fellow employees; unauthorized possession or removal of any City property, including documents, from the premises without prior permission from management; unauthorized use of City equipment or property for personal reasons; using City equipment for profit
- Dishonesty; falsification or misrepresentation on your application for employment or other work records; lying about sick or personal leave; falsifying reason for a leave of absence or other data requested alteration of City records or other City documents
- Breach of confidentiality of personnel information
- Spreading malicious gossip and/or rumors; engaging in behavior that creates discord and lack of harmony; interfering with another employee on the job; restricting work output or encouraging others to do the same
- Immoral conduct or indecency on City property
- Conducting an illegal lottery or gambling activity on City premises
- Unsatisfactory or careless work; failure to meet production or quality standards as explained to you by your supervisor
- Any act of harassment, sexual, racial or other; telling sexist or racist jokes; making racial or ethnic slurs
- Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of your supervisor; stopping work before time specified for such purposes
- Sleeping or loitering during working hours
- Excessive use of City telephone or internet for personal reasons
- Creating or contributing to unsanitary conditions
- Posting, removing or altering notices on any bulletin board on City property without permission. Failure to report an absence or late arrival; excessive absence or lateness
- Obscene or abusive language toward any supervisor, employee or customer; indifference or rudeness toward a customer or fellow employee; any disorderly/antagonistic conduct on City premises
- Failure to immediately report damage to, or an accident involving, City equipment
- Soliciting during working hours and/or in working areas; selling merchandise or collecting funds of any kind for charities or others without authorization during business

hours, or at a time or place that interferes with the work of another employee on City premises

- Failure to use your timesheet; alteration of your own timesheet, records or attendance documents; punching or altering another employee's timesheet or records, or causing someone to alter your timesheet or records

## **WHISTLEBLOWER PROTECTION**

### **APPLICABILITY**

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. Employees subject to collective bargaining agreements are subject to the provisions in this policy that do not conflict with collective bargaining agreements.

### **POLICY**

This policy is adopted pursuant to and in accordance with M.G.L. Chapter 149, Section 185, the Massachusetts Whistleblower Protection Act (the "Act"), and is designed specifically to protect the conduct and provide the remedies set forth in the Act. It is the policy of the City:

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

The City encourages the reporting of improper governmental action taken by any City officers or employees and the reporting of retaliatory actions for such reporting. The City encourages initial reporting to the City to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states the City's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

City employees who obtain knowledge of facts demonstrating improper governmental actions shall raise the issue first with their department head, the Human Resources Director, the Mayor, or the appropriate governmental agency responsible for investigating such improper action. If requested by the department head or the Mayor, the employee shall submit a written report to the City stating in detail the basis for the employee's belief that an improper governmental action has occurred.

In the case of an emergency, the employee may report the improper governmental action directly to a person or entity that is not the person's department head, the Human Resources Director, the Mayor, or other governmental agency. In all other cases, the employee must first follow the reporting procedure outlined above.

An employee is not required to comply with the above procedure if he/she:

- Is reasonably certain that the activity, policy, or practice is known to one or more supervisors of the City and the situation is emergency in nature

- Reasonably fears physical harm as a result of the disclosure provided or
- Makes the disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime

City employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or the Act. Employees who make false reports may be subject to disciplinary action up to and including termination.

The department head or the Human Resources Director shall take prompt action to assist the City in properly investigating the report of improper governmental action. City officials, administrators, department heads and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation. Personnel actions taken as a result of the investigation may be kept confidential.

City officials, department heads and employees are prohibited from taking retaliatory action against the City employee because he or she has in good faith reported an improper governmental action in accordance with this policy.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their department head or the Human Resources Director. City officials, administrators, and department heads shall take appropriate action to investigate and address complaints of retaliation. If the department head or the Human Resources Director does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee, in accordance with the Act, may institute a civil action in the superior court.

The Human Resources Director is responsible for implementing the City's policies and procedures: (1) for reporting improper governmental actions, and (2) for protecting employees against retaliatory actions. City officials and department heads are responsible for insuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including termination.

## **WORKPLACE VIOLENCE**

### **APPLICABILITY**

This policy applies to all City workers.

### **POLICY STATEMENTS**

The City of Revere does not tolerate workplace violence or the threat of violence by any of its employees, customers, the public, and/or anyone who conducts business with the City. The City expects to provide a work environment that is free from intimidation, threats and violent acts. All City employees are subject to this policy. Members of the Police Department may be subject to additional policies, rules or regulations promulgated by the Chief of Police.

### **DEFINITIONS**

Workplace violence includes, but is not limited to, instances of harassment, threats, physical attack or property damage. A threat is the expression of intent to cause physical or mental harm, regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is a contingent, conditional or future threat. A physical attack is intentionally engaging in hostile physical contact with another person, such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is intentionally damaging property owned by the City, its employees, or others.

### **PREVENTION OF WORKPLACE VIOLENCE**

The City believes in the importance of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

### **PROCEDURE FOR REPORTING THREATS**

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to the appropriate department director. That director will inform the Director of Human Resources (DHR) of all reported incidents of workplace violence and will inform employees of the right to have the Police Department notified.

The DHR will conduct a thorough and fair investigation of the incident and recommend to the Mayor the appropriate action to be taken. The DHR's investigation and recommendations will be in writing. The Mayor shall make the final determination regarding what, if any, actions will be taken and will communicate that determination to the DHR, who is in turn responsible for notifying the appropriate persons and implementing any needed follow up.

When critical incidents involving serious threats or injuries occur, emergency responders such as police, fire and/or EMS personnel must be promptly notified.

## **MANAGEMENT RESPONSE TEAM**

When a threat or an incident is deemed serious by the DHR, the DHR may assemble a Management Response Team that consists of staff from the impacted department(s), the Human Resources Department, the City Solicitor's Office, the Police Department and others whose participation is considered necessary.

The Management Response Team is responsible for determining what steps will be taken in response to the threat or serious incident. These steps may include, but are not limited to:

- Evaluating the potential for violence
- Assessing an employee's fitness for duty (through the utilization of mental health professionals)
- Establishing a plan to protect co-workers and other potential targets
- Coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel
- Referring victims for agencies and programs offering assistance
- Ensuring that immediate (within 24 hours) and on-going counseling is available to traumatized individuals

Any employee who acts in good faith by reporting real or implied violent behavior will not be subject to retaliation or harassment. Any incidents of retaliation or harassment resulting from a report of violence must be promptly communicated to the DHR for investigation.

## **PROHIBITED ACTIONS**

Any employee who violates this policy by engaging in any act of workplace violence may be subject to disciplinary action, up to and including termination, and may also be subject to criminal sanctions.

## **DEPARTMENT SECURITY AUDITS**

Whenever the physical layout of the workspace is significantly altered, the director of the impacted department(s) will examine the escape routes of the work area and communicate any changes to all department employees. Department directors may request a security audit from the Police Department on an as needed basis to determine available security measures. All employees should openly communicate with each other regarding any unusual activity that may identify the potential for or actual occurrence of a violent incident.

## **EMPLOYEE TRAINING**

The DHR, working in conjunction with the appropriate department director, shall orient all new employees to the procedures regarding reporting incidents of violence, what to do if the employee is threatened and/or if an incident of violence actually takes place, and how to manage the after effects of an act of violence.