

City of Revere Employee Manual



Contents

1 COMMUNICATIONS POLICY..... 5

2 ANTI-FRAUD POLICY..... 8

3 ATTENDANCE POLICY 11

4 COMPLAINTS AGAINST CITY OFFICIALS, EMPLOYEES AND VOLUNTEERS 12

5 PERFORMANCE MANAGEMENT AND STANDARDS OF CONDUCT 12

6 DRESS CODE 13

7 DRUG FREE WORKPLACE..... 14

8 DRUGS AND ALCOHOL(GENERALLY)..... 16

9 EMPLOYEE GRIEVANCE PROCEDURE 24

10 ETHICS AND CONFLICT OF INTEREST POLICY 24

11 LEAVE PROGRAMS 27

12 FAMILY AND MEDICAL LEAVE ACT 30

13 MASSACHUSETTS PARENTAL LEAVE..... 39

14 PREGNANT WORKERS FAIRNESS ACT POLICY 41

15 MILITARY LEAVE POLICY 41

16 PERSONAL LEAVE..... 42

17 SICK LEAVE 42

18 SMALL NECESSITIES LEAVE ACT (SNLA) POLICY..... 43

19 VACATION LEAVE..... 45

20 PAYROLL PRACTICES 46

21 PAY INCENTIVES 47

22 PERSONNEL RECORDS..... 49

23 POLITICAL ACTIVITY 49

24 RECRUITMENT & SELECTION AND NON-DISCRIMINATION 50

25 REFERENCE POLICY 50

26 SOCIAL MEDIA POLICY..... 51

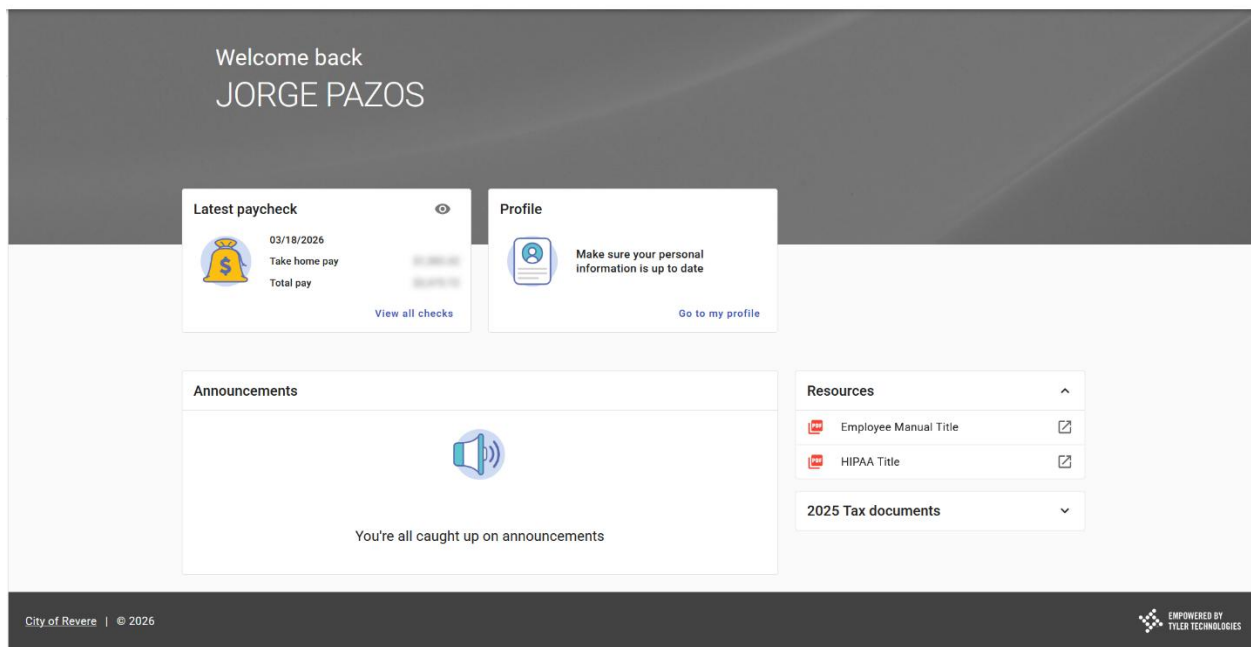
27 WHISTLEBLOWER PROTECTION 57

28 WORKPLACE VIOLENCE..... 58

ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING

The City of Revere’s Personnel Policies and Procedures Manual is made accessible to every employee of the City (excluding School Department employees). The Manual will be posted to each employee's “Employee Access” web page, and can be found at the “Resources” pull-down menu (see below image). Also posted will be the City’s Sexual Harassment Prevention Policy, Protected Class Harassment Prevention Policy, Health Information Portability and Accountability Act (HIPAA) Policy, Criminal Offender Records Information (CORI) Policy, and Sex Offender Record Information (SORI) Policy. The City of Revere requires all employees to read and familiarize themselves with the provisions in this Manual and accompanying policies.

A hard copy of this Acknowledgement of Receipt and Understanding will be provided separately to each new employee upon hiring as well as emailed to all existing employees. If you are unable to access your employee web page or if you’re having difficulty navigating your employee web page, please contact the City’s MIS department at helpdesk@revere.org, or ext. 20220.



Welcome

Congratulations and welcome as an employee of the City of Revere! The City is pleased to welcome you as a member of our team of dedicated employees that work for the betterment of our community. We hope that you will enjoy working with us in a spirit of cooperation that results in top service to our community.

This Manual details the City's personnel policies. It is a compilation of guidelines, procedures, expectations, and benefits. We hope it will help you adjust to the routines that make the City of Revere run smoothly.

If, after reviewing this Manual, you have any questions, please consult your Department Head or the City Human Resources Department.

Purpose, Authority, and General Provisions

This Employee Personnel Manual applies to all City employees, excluding those appointed by the Revere Public Schools, except to the extent that the Manual's terms and provisions are addressed in an employee collective bargaining agreement or non-bargaining employee individual employment agreement, or are inconsistent with the terms and provisions of such collective bargaining or individual employment agreements.

These personnel policies establish an efficient system of personnel administration. They provide a broad view of employee guidelines, practices, and job expectations in conformance with federal and state statutes.

This Manual is **not** an expressed or implied contract between the City of Revere, any employee, or any group of employees, and is for informational purposes only. It is not all inclusive and is intended to offer only general guidelines. The policies, benefits, and operating procedures contained in this Manual are not intended to create and are not to be construed to create any contract, agreement or legally binding obligation between the City of Revere and its employees. Any highlights of benefits contained in this Manual are not intended to take the place of more detailed benefit plan documents. Descriptions in the plan documents will override the information in this Manual in the event the information presented in this Manual conflicts with the information in the plan documents. This Manual does not guarantee any specific level of benefits or continuation of any specific benefits. The City reserves the right to change, suspend, or discontinue the provisions of these policies, procedures, benefits and guidelines at its sole discretion, with or without notice. The City has the exclusive authority to make final determinations on issues resulting from a lack of clarity of these policies.

The City may delegate authority detailed in this policy to City staff, subject to the City's final approval.

Unless otherwise provided for in a statute, collective bargaining agreement, or individual employment agreement, all individuals employed by the City of Revere are employed "at will", and the relationship may be terminated by either party at any time, with or without cause, and with or without notice.

Applicability & Administration

These policies shall be applicable to all employees, whether exempt or non-exempt. In any instance where these policies conflict with federal or state laws, such laws shall be deemed to prevail.

The City of Revere is charged with administering and maintaining the Personnel Policies as hereinafter provided and may establish, rescind, or amend such administrative procedures it considers necessary for the implementation of these rules. All lawful and statutory rights of the Mayor, the City Council, and Department Heads not specifically covered herein shall be and are hereby reserved to them.

1 COMMUNICATIONS POLICY.

A. APPLICABILITY

All City employees, with the exception of those employed by the Revere School Department, are subject to the provisions of this policy to the extent that they do not conflict with language in the applicable collective bargaining agreements. 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.

B. POLICY

It is the City's policy to ensure effective business communications among all individuals within the City and with others outside of the City, in particular the City's citizens. It is important that all forms of communication, whether verbal, written or transmitted via the City's electronic communications systems, promote an atmosphere of professionalism, courtesy and respect. The City provides staff with the ability to send messages and information through fax, electronic mail (e-mail) and via the Internet.

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

C. 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 electronic communications systems. The Mayor or his/her designee reserves the right to monitor email 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 is permitted to send an e-mail under another employee's name or email address.

D. APPROPRIATE USE

1. *City Communications.* All communications regarding City procedure and administration or which may affect the City or its personnel as a whole, will either originate from or must first be approved by the City prior to distribution. No employee of the City is to send or distribute any communication to "All Personnel" or "All Users" without prior authorization from the City. Department Heads are authorized to send or distribute communications regarding their department's business.

2. *Bulletin Boards.* The City maintains bulletin boards outside the City Clerk's and Purchasing offices, which is designated for the posting of City notices only. Employees are not authorized to post any form of literature, printed or written materials, or notices of any kind to the City's bulletin boards.

3. *Solicitations.* Employees are prohibited from soliciting other employees during working time and from distributing materials in work areas. Work time does not include rest periods, breaks or lunch periods. Employees are prohibited from selling or buying merchandise at any time. Persons not employed by the City are prohibited from soliciting employees on the City's premises or distributing materials on the City's non-public areas at any time for any purpose.

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 electronic communications 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 electronic communications systems shall not be used to promote discrimination based on race, color, national origin, age, as defined by law, marital status, sex, pregnancy, political affiliation, religion, disability or sexual preference, as defined by law, 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 electronic communications 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 must either log off or revert to a password protected screen saver when leaving their computer for an extended period of time (i.e., after 10 minutes). When leaving for the day, employees must log off. All electronic media should be kept away from magnets, including those found in telephone receivers and paper clip holders.

E. 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.

F. 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.

G. AGREEMENT

All employees shall agree to abide by the Communications Policy 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 electronic communications 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.

2 ANTI-FRAUD POLICY

A. 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 to the extent that they do not conflict with language in the applicable collective bargaining agreements.

B. 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

City's policy 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 undertaking the following steps as part of its anti-fraud policy:

- Education
- Prevention
- Detection
- Investigation
- Corrective Action

C. 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.

D. 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.

E. 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.

F. 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.

G. 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 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.

H. 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, City Solicitor and others 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.

I. 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.

J. 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.

K. PERSONNEL ACTIONS

If a suspicion of fraud is substantiated by the investigation, the Mayor shall take disciplinary action up to and including dismissal from employment and any such other legal action as may be appropriate under the circumstances. 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 malice, appropriate disciplinary action may be taken against an individual making a false allegation, up to and including termination.

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

3 ATTENDANCE POLICY

A. 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.

B. 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. The City requires employees to inform and seek approval from their supervisor at least five (5) working days in advance of any pre-planned absences.

The City expects and requires employees to use good judgment and discretion when informing the City that they will be late or absent. Should emergency circumstances prevent an employee from contacting their supervisor immediately, employees are required to notify their supervisor as soon as is reasonably possible. Alternatively, in extreme circumstances, the City 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 shall be 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 or longer, including unexcused absences following the conclusion of an approved leave, may be considered to have voluntarily resigned from their employment with

the City. 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.

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 following an investigation that substantiates that such absences or late arrivals were in violation of this policy.

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

4 COMPLAINTS AGAINST CITY OFFICIALS, EMPLOYEES AND VOLUNTEERS

A. 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 to the extent that they do not conflict with the provisions in their respective, applicable collective bargaining agreements.

B. 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 respect and dignity, with respect to both the complainant and the person against whom the complaint is directed. Specifically, the City will, at a minimum, inform the subject of the complaint of the substance of such complaint (without identifying the complainant), 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.

5 PERFORMANCE MANAGEMENT AND STANDARDS OF CONDUCT

A. APPLICABILITY

This policy applies to all City employees. Employees subject to the Massachusetts Civil Service Law, M.G.L. c. 31, and/or collective bargaining agreements are subject to the provisions in this policy to the extent that they do not conflict with Civil Service Law or the applicable collective bargaining agreement.

B. PURPOSE AND SCOPE

The purpose of this policy is to ensure that employees understand the City's expectations in the areas of performance and conduct and establish the City's process for disciplinary action

C. POLICY

The City strives to create and maintain a positive work environment. Therefore, some rules of conduct are needed to help everyone work together efficiently, effectively, and harmoniously. As a City employee, you have a responsibility to the City and to your fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict your rights, but rather to be certain that you understand what conduct is expected and necessary. When each

person is aware that she/he can fully depend upon fellow workers to follow the rules of conduct, our organization will be a better place to work for everyone.

Generally speaking, the City expects each person to act in a professional and responsible way at all times. The City stresses courteous and respectful behavior between employees, residents, customers, contractors, and other parties that employees come into contact with. City employees must comply with all applicable laws, policies, and procedures. Employees are expected to perform their job duties to the best of their ability and to the standards set forth in their job description, or as otherwise established.

The following standards in this manual will assist in clarifying differences in judgment. These standards simply outline broad general principles on which employees are expected to base their behavior. The examples are not meant to be all-inclusive. Instead, they indicate the kind of behavior that is necessary to maintain citizens' confidence in local government. In general, employees can anticipate that actions harmful to other parties or to the City are cause for disciplinary action or possible dismissal. Employees are expected to respect the individual rights and privacy of others.

The City will address issues such as poor work performance or misconduct with appropriate disciplinary actions. This policy is designed to provide a corrective action process to improve and prevent a recurrence of conduct and/or performance issues. The City reserves the right to determine the appropriate level of discipline, including oral and written warnings, suspension with or without pay, demotion, and termination. This shall not limit the City's right to terminate an at-will employee at any time and for any reason, or for no reason, as permitted under Massachusetts law.

6 DRESS CODE

A. APPLICABILITY

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

B. 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 any of the following categories:

- T-shirts, sweatshirts 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 designated "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.

7 DRUG FREE WORKPLACE

A. PURPOSE

It is the policy of the City of Revere to provide a drug and alcohol-free workplace for all of its employees and outline prohibited workplace conduct. The policy complies with the obligations under the Federal Drug Free Workplace Act , 41 U.S.C.§ 8101, et seq.

B. APPLICATION

This policy applies to all employees of the City. Employees subject to collective bargaining agreements are subject to the provisions of this policy not specifically regulated by law or that do not conflict with applicable provisions of the collective bargaining agreement. For employees who are subject to drug testing obligations under State and/or Federal law, including but not limited to CDL drivers, the State and/or Federal law requirements and obligations will supersede and take precedence over this policy.

C. POLICY

It is the policy of the City to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of controlled substances is inconsistent with the behavior expected of employees and subjects the City to unacceptable risk of workplace accidents or other failures that would undermine the City's ability to operate efficiently and effectively.

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 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 contracting agency within ten (10) days after receiving notice from an employee of a criminal drug statute conviction and 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.

D. PROCEDURES

1. The following is prohibited under this Policy:
 - a) Off-Duty: Any use, sale, possession, distribution, dispensation, manufacture, or transfer of illegal drugs and other controlled substances, including marijuana.
 - b) On Duty: Any consumption of illegal drugs and other controlled substances, including marijuana (with or without prescription) or alcohol, whether on or off City of Revere property, or at any other worksite where employees may be assigned, or elsewhere during work hours.
 - c) The use of illegal drugs, including marijuana, at any time and the use of other controlled substances, with or without a prescription, or the use of alcohol on non-working time, to the extent that such use:
 - i. impairs an employee's ability to perform the employee's job;
 - ii. adversely impacts the safety of the employee or others;
 - iii. or affects the reputation of Revere to the general public or otherwise threatens its integrity.
2. Employees who are convicted of substance-related violations under state or federal law in the workplace, including alcohol- or marijuana-related violations, or who plead guilty or nolo contendere to such charges, must inform their department head or appointing authority within five (5) days of such conviction or plea.
3. Employees who are convicted or who plead guilty or nolo contendere to such drug-related violations, or who are found to have consumed or be impaired by controlled substances, including but not limited to marijuana, or alcohol while on-duty, may be disciplined, up to

and including termination from their employment with the City of Revere; and, if not so disciplined up to and including terminated from employment, may be required to successfully complete a substance abuse or similar program as a condition of continued employment or re-employment with Revere.

4. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act.
5. The City reserves the right to search and inspect personal property, if necessary, to maintain a safe workplace to the extent authorized by law. Any employee with a question regarding this Policy should contact the Human Resources Director.
6. Violations of any and all provisions of this policy may result in disciplinary action, up to and including termination from employment.
7. Employees seeking assistance in dealing with substance abuse issues are encouraged to contact the Employee Assistance Program, Human Resources, or their healthcare provider.

8 DRUGS AND ALCOHOL (GENERALLY)

A. 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 to the extent that they do not conflict with collective bargaining agreements.

B. 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.

The 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 and requires its employees to report for work able to safely and effectively 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 use and/or involvement with drugs and alcohol can have a negative impact on the workplace and on the City's ability to accomplish its goal of an alcohol and drug-free environment.

DRUG AND ALCOHOL TESTING

1. **Statement of Purpose.** It is the policy of the City of Revere to comply fully with the regulations mandating pre-hire, probable cause and post-accident drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation. This policy contains the requirements of the regulations, except where indicated that a particular provision is based on the authority of the City.
2. **Scope of Policy.** The City maintains a "zero tolerance" policy to ensure a safe, drug-and alcohol-free environment and to promote the health, well-being, and productivity of its members by taking appropriate actions to maintain such an environment.
3. **Prohibited Conduct.** The City prohibits employees from being under the influence, being in possession of or using illegal drugs at any time during the workday, anywhere within the City facilities, while wearing a City uniform or during any City-related activity. Any sale of illegal drugs during work or on City premises, facilities, or in City vehicles constitutes gross misconduct that may subject the employee to immediate dismissal. Illegal activities will not be tolerated and may be referred to an appropriate law enforcement agency.

4. PROCEDURES

a. Testing

To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. The City shall conduct drug or alcohol testing under the following circumstances:

- 1) **Pre-employment** - All applicants for employment are subject to screening for use of drugs.
- 2) **Probable Cause** - Conducted when a supervisor observes facts and circumstances or receives reliable information sufficient to warrant a prudent person's belief that a member more probably than not is under the influence of drugs or alcohol. Circumstances that constitute a basis for determining "probable cause" may include, but are not limited to, direct observation of drug and/or alcohol use; spontaneous unusual, abnormal or erratic behavior; and reporting to work unfit for duty; the presence of physical symptoms of drug and/or alcohol use (i.e., glassy or bloodshot eyes, slurred speech, odor of alcohol on breath, unsteady gait, poor coordination and/or reflexes).
- 3) **Follow-Up Testing** - Employees who are found to have violated this Policy and were not terminated for their violation may be required to submit to periodic drug and/or alcohol testing. The employee must submit to this testing as a condition of employment following a violation of the drug and alcohol policy. Any member who fails a follow-up test will be dismissed immediately.
- 4) **Post-Accident Testing** - Members who are involved in a workplace accident that involves damage to a motor vehicle or injury or fatality to an individual.

5. Conducting Tests

Tests will be conducted in accordance with DOT and U.S. Department of Health and Human Services rules and procedures, as more fully set out below. An employee who tests positive may be subject to discipline up to and including termination in accordance with City's disciplinary procedures.

a. Alcohol

DOT rules require breath testing using evidential breath testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.01 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.01 or greater, a second, confirmation test must be conducted.

b. Drugs

Drug testing is conducted by analyzing an employee's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.

DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the employee has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

All urine specimens are analyzed for the following drugs:

- Marijuana (THC metabolite)
- Cocaine
- Amphetamines
- Opiates (including heroin)
- Phencyclidine (PCP)

All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the employee and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If MRO determines that the drug use is legitimate, the test will be reported to the City as a negative result. (Employees, however, are required to notify the Chief of Police of any legal use of prescription drugs that may affect the employee's ability to safely and effectively perform his duties.)

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

A refusal to submit (to an alcohol or controlled substances test) means that an employee (1) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part, (2) fails to provide adequate urine for controlled substances testing without a valid medical

explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, or (3) engages in conduct that clearly obstructs the testing process.

Pursuant to the City's authority, employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

d. Consequences of Alcohol/Drug Misuse

- i. Employees who have any alcohol concentration (defined as 0.02 or greater) who tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for 24 hours.

Pursuant to the City's authority, disciplinary action may be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04).

- ii. Employees who engage in prohibited alcohol or drug conduct (that is, who test positive for alcohol use greater than 0.04 or drug use) must be immediately removed from safety-sensitive functions.

Pursuant to the City's authority, employees who are serving a probationary period will be terminated immediately. Non-probationary employees will be subject to discipline, up to and including discharge. Non-probationary employees will be offered an opportunity for rehabilitation. Non-probationary employees who are not terminated will be required to comply with Subsection iii. below. Failure of a non-probationary employee to complete the requirements set forth in Subsection iii. below will be terminated.

- iii. Employees who engage in prohibited alcohol or drug conduct who wish to continue employment with the City of Revere must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). Employees will be placed on non-occupational sick leave or leave without pay status during the treatment period. whichever is appropriate.
- iv. Employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment. who have taken a return to duty test with a result less than 0.02, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.
- v. Pursuant to the City's authority, employees who have returned to work under these conditions and who subsequently test positive for alcohol or

drugs in accordance with this policy during the next five years will be terminated immediately.

- vi. Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment the employee must comply with prescribed follow-up care.

e. Information/Training

All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign the Confirmation of Receipt (Attachment 1).

All supervisory and management personnel in each of the City's Departments must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.

This policy will be posted on employee bulletin boards and will be available to all employees.

Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.

All recruitment advertising will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.

All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

f. Record Keeping

The City is required to keep detailed records of its alcohol and drug misuse prevention program.

Employee alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the employer, the substance abuse professional, the MRO, and any arbitrator of a grievance filed in accordance with this policy. Any other release of this information may only be made with the employee's consent, or in response to a court order.

g. Questions about this policy should be referred to the employee's Department Head, and/or the City's Human Resources Director.

ATTACHMENT A

Employee Confirmation of Receipt

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

Employee's Name

Division

Employee's Signature

Date

ATTACHMENT B

Pre-employment Consent to Drug and Alcohol Screening

I, _____, understand that the medical examination that I am about to receive includes:

- A blood test for the presence of drugs and/or alcohol
- An evidential breath test for the presence of alcohol
- A urine test for the presence of drugs and/or alcohol

I hereby give my consent to _____
(Name of Lab)

to perform these tests. I understand that if I decline to sign this consent, and thereby decline to submit a sample for the test, the test will not be completed. The Human Resources Department will be notified and my application for employment will be rejected.

I further consent to the release of the results to the City's Human Resources Department and _____.
(Name of Department)

I have taken the following drugs or substances within the last 96 hours:

Identify	Name & Amount	Prescribing Physician
<input type="checkbox"/> Sleeping Pills		
<input type="checkbox"/> Diet Pills		
<input type="checkbox"/> Pain Relief Pills		
<input type="checkbox"/> Cold Tablets		
<input type="checkbox"/> Anti-malarial		
<input type="checkbox"/> Other		

CONSENT GIVEN

CONSENT REFUSED

Specimen Number: _____

Signed: _____

Date: _____

Witness: _____

ATTACHMENT C

**Drug and Alcohol Screening
Employee Consent**

I, _____, understand that the medical examination that I am about to receive includes:

- A blood test for the presence of drugs and/or alcohol
- An evidential breath test for the presence of alcohol
- A urine test for the presence of drugs and/or alcohol

I hereby give my consent to _____
(Name of Lab) to perform these tests. I understand that if I decline to sign this consent, and thereby decline to submit a sample for the test, I may be subject to disciplinary action, up to and including termination from City service.

I further consent to the release of the results to the City's Human Resources Department and _____.
(Name of City Department)

I have taken the following drugs or substances within the last 96 hours:

Identify	Name & Amount	Prescribing Physician
<input type="checkbox"/> Sleeping Pills		
<input type="checkbox"/> Diet Pills		
<input type="checkbox"/> Pain Relief Pills		
<input type="checkbox"/> Cold Tablets		
<input type="checkbox"/> Anti-malarial		
<input type="checkbox"/> Other		

CONSENT GIVEN

CONSENT REFUSED

Specimen Number: _____

Signed: _____

Date: _____

Witness: _____

9 EMPLOYEE GRIEVANCE PROCEDURE

A. 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 only to the extent that they do not conflict with the respective collective bargaining agreements and only to the extent such collective bargaining agreements do not otherwise contain their own grievance procedures.

B. 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 their 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 regarding 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.

10 ETHICS AND CONFLICT OF INTEREST POLICY

A. APPLICABILITY

This Policy applies to all municipal employees of the City of Revere, which for purposes of this policy includes persons performing services for or holding any 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.

B. POLICY

All of those individuals noted in Section A. above hold positions of public trust and, as a result, are expected and required to conduct themselves in a highly professional, ethical and appropriate manner in accordance with all applicable laws and this Policy. 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 and required to adhere to conduct in accordance with the laws of the Commonwealth, including but not limited to Chapter 268A of the Massachusetts General Laws.

C. BUSINESS CONDUCT GUIDELINES

1) 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 and followed. It is vital that each official and employee at all times conducts themselves 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 carrying out and complying with this policy.

2) LAWFUL STANDARD OF CONDUCT

It is the 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. All City employees and officials are required to act in compliance with all laws and regulations that may be applicable to the City's business.

3) GENERAL BUSINESS CONDUCT

It is also the 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 these guiding principles in mind, the City supports actions of employees when they are within the following boundaries:

- Avoid actions that can be perceived as illegal, improper, or unfair in dealing with customers, suppliers, vendors, and/or any other persons or entities including but not limited to discrimination, unfair treatment of employees/customers and/or 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, vendor or other non-governmental person or entity is acceptable to the extent such courtesies comply at all times with the limits set forth in the Commonwealth's Conflict of Interest Law, M.G.L. c. 268A. In any such dealings, however, City employees and officials may 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.

4) CONFLICTS OF INTEREST

A situation in which the personal interests of the employee or official and the interests of the City are in conflict or opposition are expressly prohibited and 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 or official 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.
- Having a financial interest in a supplier or other vendor to the City. However, 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 appears to be personal and/or social involvement. Employees or officials may work in a situation where a family member is in the chain of command, however, the employee of the official must recuse him or herself in all personal matters related to such employee or official. This family 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 written approval by submitting a brief written 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 written report as outlined in the preceding paragraph.

5) PERSONAL USE OF CITY PROPERTY

The use of City facilities and equipment for personal gain or personal business is strictly prohibited. Office supplies, copied software, engineering material, office machines and/or computers are not to be used for personal gain or personal business. 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 on City property, on City time or with City materials.

6) RESPONSIBILITIES AND REPORTING

Any official or employee having information, knowledge, concerns, or suspicion of any actual or contemplated transaction that is or appears to be in violation of this Policy, must promptly report the matter to the Mayor's Office. Officials and employees may periodically be required to certify compliance with this Policy.

Failure to comply with this Policy 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.

11 LEAVE PROGRAMS

A. BEREAVEMENT LEAVE

1) 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 but only to the extent that they do not conflict with collective bargaining agreements.

2) POLICY

Each regular full-time employee shall be entitled to up to five (5) workdays 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, grandparent, brother, sister, step-mother, step-father, step-brother, or step-sister.

Each regular fulltime employee shall be entitled to three (3) workdays of bereavement leave in the event of the death of an aunt, uncle, niece, nephew, sister-in-law or brother-in-law.

B. EMPLOYMENT LEAVE TO ADDRESS AN ABUSIVE SITUATION

1) 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 but only to the extent that they do not conflict with the applicable collective bargaining agreement.

2) POLICY

In accordance with the Domestic Violence Leave Act (DVLA), 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 other leave, including sick, personal, and vacation leave, 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 the DVLA, 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).

3) 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.

4) 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.

5) 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.

6) 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 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 s/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.

12 FAMILY AND MEDICAL LEAVE ACT

A. POLICY

1. Introduction

Pursuant to the Family and Medical Leave Act ("FMLA"), eligible employees may be entitled to take an unpaid leave of absence ("FMLA leave") for varying reasons as discussed below. To the extent an employee has accrued available vacation and/or sick days or any Short-term Disability leave in the case of the employee's own serious health condition, he/she will be required to exhaust such paid leave during their FMLA leave, unless the leave also qualifies as parental leave under the Massachusetts Parental Leave Act. An employee on parental leave may elect to use paid leave during such leave period but will not be required to do so. Any absence from work, whether due to vacation, sick days, Short-term Disability, workers' compensation, or any other reason covered by the terms of the FMLA Policy, will run concurrently with an employee's available leave allotment time when allowable by law.

2. Eligibility

To be eligible for **FMLA leave**, an employee must have worked:

- for the City at least 12 months within the prior seven (7) years;
- at least 1,250 hours in the last 12 months; and
- at a location where at least fifty (50) employees are employed by the City within seventy-five (75) miles of each other.

3. Categories of Leave Available under FMLA

There are four (4) categories of leave available to eligible employees under the FMLA, which include the following:

- (1) Up to twelve (12) weeks of unpaid leave:
 - for the birth of a son or daughter and to care for the newborn;
 - for the placement with the employee of a child for adoption or foster care, and to bond with that child;
 - to care for the employee's spouse, child or parent with a serious health condition;

- for the employee’s own serious health condition that renders him/her unable to perform the essential functions of his or her job; and
- for intermittent or reduced-schedule leave (as discussed below).

FMLA leave taken for the birth, adoption, or foster care placement of an employee's child must be concluded within one year following the child's birth or placement.

- (2) Up to twelve (12) weeks of unpaid leave for a “qualifying exigency” (as defined by law) when the employee’s spouse, son, daughter, or parent who is a member of any branch of the military (including the National Guard or Reserves) has been deployed or called to active duty in a foreign country. Such leave may be taken for any “qualifying exigency” arising out of the fact that a covered military member is on active duty or called to active-duty status. For a complete list of qualifying exigencies, see Human Resources.
- (3) Up to twenty-six (26) weeks of unpaid “**Military Caregiver leave**” during a single 12-month period to care for a “covered servicemember” with a serious injury or illness. The eligible employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. A covered servicemember is either:
 - a **current** member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
 - a **veteran** of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes Military Caregiver leave to care for the veteran who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness.

For more information about **Military Caregiver leave**, please contact Human Resources.

- (4) Up to fifteen (15) days to spend time with a spouse, son, daughter, or parent who is a military member and who is on short-term, temporary Rest and Recuperation leave, which is a subset of Qualifying Exigency leave, during deployment. Such leave may only be taken during the military member’s Rest and Recuperation leave.

An employee shall not be granted leave under this Policy for the purpose of enabling the employee to work elsewhere, including self-employment. An employee who misrepresents facts in order to be granted leave will be subject to immediate termination of employment.

4. Definitions

Child - A child is defined as a biological, adopted, or foster child, a stepchild, a legal ward or a child of a person standing in *loco parentis*, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability.

Spouse - Spouse means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage or common law

marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States if the marriage could have been entered into in at least one state.

Parent - A parent is a biological, foster, adoptive, step-parent, legal guardian parent or an individual who stood in *loco parentis* to an employee when the employee was a child. It does not include parents-in-law.

Serious Health Condition - A serious health condition is defined as an illness, injury, impairment, or a physical or mental condition that involves:

- inpatient care (i.e., an overnight stay) in a hospital, hospice or residential care facility, including any period of incapacity or any treatment in connection with such inpatient care;
- any period of incapacity (see below definition) of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment (1) two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or (2) by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.¹
- any period of incapacity or treatment due to chronic health conditions that (1) requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; (2) continues over an extended period of time (including recurring episodes of a single underlying condition); and (3) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences attributable to chronic health conditions qualify for FMLA leave even if the employee or the covered family member does not receive treatment from a health care provider during the absence, and, even if the absence does not last more than three consecutive, full calendar days.
- any period of incapacity for a condition which is permanent or long-term for which treatment may not be effective, and the employee or family member is under the continuing supervision of (but need not be receiving active treatment by) a health care provider;

¹ “Treatment by a health care provider” means an in-person visit to a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity. Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

“Extenuating circumstances” means circumstances beyond the employee’s control that prevent the follow-up visit occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-day period, but the health care provider does not have any available appointments during that time period.

- any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for restorative surgery after an accident or other injury; or for a condition that would result in a period of incapacity of more than three consecutive, full calendar days if left untreated; or
- incapacity due to pregnancy or for prenatal care. Absences due to pregnancy or for prenatal care qualify for FMLA leave even if the employee does not receive treatment from a health care provider during the absence, and, even if the absence does not last more than three consecutive, full calendar days.

Incapacity – Incapacity means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

Treatment – Treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical exams, or eye or dental exams.

Regimen of continuing treatment – A regimen of continuing treatment includes, for example, a course of prescription (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines or salves; or bed rest; drinking fluids, exercise and/or other similar activities that can be initiated without a visit to the health care provider.

Health care provider – Health care provider means:

- (a) Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices; or
- (b) Any other person determined by the Secretary of Labor to be capable of providing health care services.
- (c) Others capable of providing health care services include only:
 - (1) Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a sublimation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practices, as defined under state law;
 - (2) Nurse practitioners, nurse midwives, clinical social workers, and physician assistants authorized to practice, and perform within the scope of their practices, as defined under state law;
 - (3) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;

- (4) Any health care provider from whom the City or the City's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for health benefits; or
- (5) A health care provider who practices in a country other than the U.S., who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

5. Calculating Amount of FMLA Leave Available

- (a) The City will grant an eligible employee up to a total of twelve (12) work weeks of unpaid FMLA leave during a rolling 12-month period for the birth of a son or daughter, to care for a newborn, for the placement of a child for adoption or foster care and to bond with that child, to care for the employee's spouse, child or parent with a serious health condition, for the employee's own serious health condition, for intermittent or reduced-schedule leave, and for qualifying exigency leave. For purposes of calculating the 12-month period, the City will measure the 12-month period backward from the date of an employee's request for FMLA leave. Each time an employee takes FMLA leave, the City will determine the total amount of FMLA leave used by the employee during the preceding 12 months, and the remaining time available to the employee will be the balance of the 12 weeks that has not been used.
- (b) The 26-week leave period for **Military Caregiver leave** shall only be available during a single 12-month period, which shall be based off the 12-month period immediately following the first day of such FMLA-qualifying leave. It shall not be based on the rolling measurement noted in Section (a) above. In addition, any leave taken during that single 12-month period for one of the other qualifying reasons (as noted in this Policy) shall count against the 26 weeks available. (Only 12 of the 26 weeks total may be used for an FMLA-qualifying reason other than to care for a covered servicemember.) Military caregiver leave is available to an eligible employee once per servicemember, per serious injury or illness. However, an eligible employee may take an additional 26 weeks of leave in a different 12-month period to care for the same servicemember if he or she has another serious injury or illness.
- (c) **Spouses.** Spouses who are both employed by the City are limited to a **combined 12 weeks of FMLA leave** for the following reasons:
 - birth and care of a child;
 - for the placement of a child for adoption or foster care, and to care for the newly placed child;
 - to care for an employee's parent who has a serious health condition;In the context of **Military Caregiver leave**, to the extent spouses work for the City, the aggregate number of workweeks available to both spouses shall be limited to **26 weeks during the single 12-month period.**

6. Special Rules Related to Intermittent and Reduced-Schedule Leave

Except as otherwise set forth herein, an employee may take FMLA leave on an intermittent basis or work a reduced schedule under the following circumstances:

- When medically necessary to care for a spouse, parent, son, or daughter with a serious health condition, or because of the employee's own serious health condition;
- To care for a newborn or newly placed adopted or foster care child, but only with the approval of the City. Such approval, however, is not required for leave during which a mother who is an employee has her own serious health condition in connection with the birth of her child or if the newborn child has a serious health condition;
- To care for a covered servicemember with a serious injury or illness, but such intermittent/reduced-schedule leave must be used within a 12-month period; or
- For leave due to a qualifying exigency.

Employees are required to make a reasonable effort to schedule medical treatment so as not to unduly disrupt the City's operations, subject to the approval of their health care provider, or the health care provider of their family member, as appropriate.

In addition, if an employee is on an intermittent or reduced-schedule leave that is foreseeable due to planned medical treatment for the employee, a family member, or a covered servicemember, the City may temporarily transfer the employee to an available alternative position for which the employee is qualified with equivalent pay and benefits which better accommodates the recurring leave.

7. Procedures for Requesting Leave

A. Providing Notice of Need for Leave.

i. Foreseeable Leave. If the need for leave is foreseeable, employees must give the City at least 30 days' prior notice. Failure to provide such notice may be grounds for delaying the leave.

ii. Leave Not Foreseeable. If 30 days' notice is not foreseeable or practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, a medical emergency, or based on a qualifying exigency, notice must be given as soon as practicable, generally within 1 to 2 business days of learning of the need for leave.

It is not necessary that an employee expressly request leave to be designated as FMLA-qualifying leave, especially when leave is unforeseeable. If the City determines that the leave is being taken for an FMLA-qualifying event based on the information provided by the employee, the leave period may be designated as FMLA-qualifying leave if the employee is properly notified by the City.

B. Submission of Medical Certification.

If a leave is requested because of the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, or because of the employee's need to care for a covered family member with a serious health condition, or for the care of a covered servicemember (military caregiver leave), such leave must be supported by a certification issued by the health care provider of the employee, the employee's family member, or the covered servicemember, as the case may be. Medical certification forms are provided once you provide notice of your leave request.

The medical certification must be provided to the City, or its designated administrator, prior to the commencement of the leave or within 15 days after it is requested. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. Under certain circumstances, the City, at its expense, may require an examination of the employee by a second health care provider designated by the City. If the second health care provider's opinion conflicts with the original medical certification, the City, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The City also may require medical recertification periodically during the leave, and an employee may be required to present a fitness-for-duty certification upon return to work following a leave for his or her own serious health condition.

C. Certification for leave taken because of a qualifying exigency.

The first time an employee requests leave due to a "qualifying exigency" arising out of the covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of a military member, the employee must provide a certification, as approved by the Department of Labor, demonstrating that the employee's spouse, child, or parent is on or has been called to active duty.

D. Designation of FMLA Leave.

As required by the FMLA, within five (5) business days of receiving the employee's application for leave, the City will provide written notice to the employee advising whether he/she is eligible for the requested leave. If the employee is determined to be *not* eligible, such notice shall state the reason why. Such notice shall be provided via a "Notice of Eligibility and Rights & Responsibilities" form.

Within five (5) business days of determining whether an employee's FMLA leave is qualifying following the employee's submission of the medical certification or qualifying exigency certification as noted in Sections B and C above, the City shall provide the employee with a "Designation Notice." If the City requires or will require a fitness for duty certification prior to the employee's return to work, it will advise the employee of that requirement in the Designation Notice and will provide the employee with a copy of his/her job description that includes the essential functions of the position.

E. Periodic Reporting to Your Manager.

During leave, employees may be required to contact their department manager periodically to report on their status and intention to return to work.

8. Requirements to Maintain Health Insurance.

During an approved leave, the City will maintain an employee's group health benefits as if the employee had continued to be actively employed. If the FMLA leave runs concurrently with a paid leave, the City will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the leave is unpaid, an employee must arrange for payment of the employee's share of the required health insurance premiums during periods of FMLA leave. The City's obligations to maintain group health insurance coverage may cease for the remainder of the leave if the employee's premium payment is more than 30 days late. In such a case, the City shall mail a written notice to the employee that the payment has not been received at least 15 days before coverage is to cease, advising the employee that coverage will be dropped on a specified date at least 15 days after the date of the letter, unless the payment has been received by the required date.

If the City pays the missed employee premium contributions, the employee will be required to reimburse the City for the delinquent payments. An employee who does not return to work at the end of the leave period will be required to reimburse the City for the entire cost of the premiums, which is both the employer portion and the employee portion, paid by the City for maintaining coverage during unpaid leave, unless the employee cannot return to work because of the continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under the FMLA; or for other circumstances beyond the employee's control.

9. Returning from Leave.

Generally, upon return from FMLA leave, employees will be reinstated to the same position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions, to the extent required by law. In addition, an employee's use of FMLA leave will not result in the loss of an employment benefit that the employee earned or was entitled to before using FMLA leave. However, employees have no greater rights to reinstatement or to other benefits and conditions of employment than if they had been continuously employed during the FMLA leave period. As provided by law, under certain other circumstances, reinstatement following FMLA leave may be denied. In addition, any right to reinstatement terminates if an employee fails to return to work at the end of an approved leave, in accordance with applicable laws. If employment is terminated under these circumstances, the employee may still apply for vacancies that he or she is qualified to fill.

If leave is taken because of the employee's own serious health condition, then the employee may be required to provide medical certification that he or she is fit to resume work. Employees failing to provide a release to return to work when required to do so will not be permitted to resume work until it is provided.

Under specified and limited circumstances where it has been determined by the City that restoration to employment will cause substantial and grievous economic injury to its operations, the City may designate the employee taking FMLA leave as a “key employee” (as defined below) and refuse to reinstate the employee following conclusion of the FMLA leave. If the City plans to do so, the following steps will be followed:

- The City will notify the employee that he or she qualifies as a “key employee” at the time the employee gives notice of the need for or intent to take FMLA leave (or when FMLA leave commences, if earlier);
- At the same time, inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the City should determine that substantial and grievous economic injury to the City’s operations would result if the employee were reinstated from FMLA leave. If such notice cannot be given immediately because of the need to determine whether the employee is a key employee, the City shall provide such notice as soon as practicable after being notified of a need for leave (or the commencement of leave, if earlier);
- The City will notify the employee **in writing** of the City’s determination that it cannot deny FMLA leave, but that the City intends to deny restoration to employment on completion of the FMLA leave as soon as the City makes a good-faith determination, based on the facts available, that substantial and grievous economic injury to its operations will result if the key employee who has given notice of the need for FMLA leave or is using FMLA leave is reinstated. Such notice shall be served on the employee either in person or by certified mail and shall explain the basis for the City’s finding that substantial and grievous economic injury will result, and, if leave has commenced, must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return;
- The City will offer the employee a reasonable opportunity to return to work from FMLA leave after giving this written notice.

After notice has been given to a key employee that substantial and grievous economic injury will result if the employee is reinstated to employment, the employee is still entitled to request reinstatement at the end of the leave period even if the employee did not return to work in response to the City’s notice. The City must then again make a final determination as to whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the City shall notify the employee **in writing** (in person or by certified mail) of the denial of restoration.

A “key employee” is defined as a salaried FMLA-eligible employee who is among the highest paid 10% of all the employees employed by the City within 75 miles of the worksite in which that employee is employed.

If an employee on leave does not return to work in response to the City's notification of intent to deny restoration, the employee shall continue to be entitled to maintenance of health benefits, and the City may not recover its cost of health benefit premiums.

A key employee's rights under the FMLA shall continue unless and until the employee either gives notice that he or she no longer wishes to return to work, or the City actually denies reinstatement at the conclusion of the leave period.

10. Legal Compliance

This Policy will be interpreted and applied in accordance with applicable federal, state and local laws, and to the extent that this Policy may conflict with those laws, they are controlling over this Policy. Certain state laws may provide additional leave benefits. Further, the City retains all available rights and defenses under applicable law, whether or not specifically set forth in this Policy.

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

13 MASSACHUSETTS PARENTAL LEAVE

1. 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 to the extent that they do not conflict with collective bargaining agreements.

2. Introduction

In accordance with Massachusetts General Laws Chapter 149, Section 105D, effective April 7, 2015, full-time employees² of the City who meet the eligibility requirements as provided below, will be entitled to Parental Leave for the birth, adoption or placement of a child.

3. Employee Eligibility

To be eligible for Parental Leave, employees must have been employed full-time by the City for at least three (3) consecutive months.

4. Leave Entitlement

An eligible employee will be granted an unpaid leave of absence of up to eight (8) weeks for the birth of a child or placement of a child under the age of 18, (or under the age of 23 if the child is mentally or physically disabled) where the employee adopts or intends to adopt the child.

If two employees who work for the City apply for such leave for the birth or adoption of the same child, they shall only be entitled to a combined total of eight (8) weeks of parental leave.

5. Family and Medical Leave (FMLA)

² For purposes of this policy, an employee who is scheduled to work at least 35 hours per week is deemed to be a "full-time" employee.

An eligible employee may take Parental Leave under this policy, even if he/she is not eligible for FMLA leave or has exhausted her/his entitlement to FMLA leave. If, however, an employee is also eligible for FMLA leave, leave taken under this policy will run concurrently with an employee's Family and Medical Leave.

6. Use of Paid Leave

Although Parental Leave is unpaid, an employee may voluntarily elect to use paid leave (vacation, and personal leave, and paid sick leave in instances where the provisions of sick leave apply). Any such use of paid leave will be in accordance with the City's leave policies.³

7. Maintenance of Health Benefits

The City will maintain group health insurance coverage for an employee while on Parental Leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work, as long as the employee is able to pay his/her required share of the cost on a monthly basis. The employee will be responsible for making arrangements with the City to pay his or her share of health insurance premiums while on leave. Continued coverage is subject to timely premium payments.

8. Benefit Continuation

The use of Parental Leave will not affect the employee's rights to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs and other benefits for which the employee was eligible as of the date of the leave or any other advantages or rights of employment incidental to the employment position; provided, however that the period of time of any unpaid Parental Leave, is not included in the computation of further benefit accruals, rights and advantages.

9. Notice Requirements

Employees are required to provide at least two (2) weeks' notice to the employer of the employee's anticipated date of departure and the employee's intended day of return, provided, however, an employee may provide notice "as soon as practicable" if the delay in providing notice is "for reasons beyond the individual's control."

10. Job Restoration

Upon return from Parental Leave, every effort will be made to restore an employee to his or her original job. If that is not possible, to an equivalent job with equivalent pay and other employment terms and conditions, unless other employees of equal length of service, status and in similar positions have been laid off due to a legitimate reduction in work force such as economic conditions or other changes in operating conditions affecting employment during the employee's parental leave. The employee on parental leave shall, however, retain any preferential consideration for another position to which she/he may be entitled as of the date of her/his leave. An employee's use of Parental Leave will not result in the loss of an employment benefit that the employee earned or was entitled to before using Parental Leave.

11. Leave of absence beyond eight (8) weeks

³ In accordance with the Massachusetts Parental Leave Act, employees cannot be required to use accrued paid vacation leave, personal leave, or accrued sick leave with all or part of the employee's parental leave, even if the employer requires employees who take leave for other types of reasons to use such paid leave benefits.

If an employee on Parental Leave is not subject to FMLA he/she may request additional unpaid leave for parenting by petitioning the Mayor. The employee shall be eligible for the rights under Section 10 above, unless the Mayor notifies the employee in writing prior to the parental leave and again prior to the extension of that leave, that taking longer than eight (8) weeks of parental leave may result in a denial of reinstatement or loss of other rights and benefits.

14 PREGNANT WORKERS FAIRNESS ACT POLICY

A. Policy

It is the policy of the City of Revere to provide reasonable accommodation for an employee's pregnancy or any condition related to the employee's pregnancy in accordance with M.G.L.c.151B, §4, as amended (the "Pregnant Workers Fairness Act").

B. Purpose

To notify and ensure that all covered employees are aware of the procedures for requesting an accommodation due to a pregnancy-related condition, including but not limited to, lactation or the need to express breast milk for a nursing child.

C. Procedure

Employees who believe that they need a reasonable accommodation for their pregnancy or a condition related to pregnancy should contact Human Resources to request a reasonable accommodation. The City shall engage in a prompt, good faith interactive process to explore a reasonable accommodation to allow the employee or applicant to perform the essential functions of her job.

D. Reasonable Accommodation Under the Act

The City will provide reasonable accommodation for an employee's pregnancy or any condition related to the employee's pregnancy, including for example, more frequent restroom breaks, food or water breaks, seating, and limitations on lifting over 20 pounds, unless such an accommodation would impose an undue hardship on the City.

15 MILITARY LEAVE POLICY

APPLICABILITY

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement.

The City is committed to protecting the job rights of employees absent on military leave in accordance with the Uniformed Services Employment and Re-employment Rights Act of 1994 and Massachusetts General Laws Chapter 33, Section 59.

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 benefits

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.

For more information about the City's Military Leave policy, please contact Human Resources.

16 PERSONAL LEAVE

A. 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 only to the extent that they do not conflict with collective bargaining agreements.

B. POLICY

Each regular full-time employee shall be entitled to two (2) personal days in each calendar year. Requests for personal leave are subject to approval from the employee's Department Head and should be made no less than two (2) weeks in advance. Personal days expire at the end of the calendar year, may not be carried over into the next calendar year, and are not paid out upon termination of employment.

17 SICK LEAVE

A. 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 only to the extent that they do not conflict with collective bargaining agreements.

B. ACCRUAL

Employees who are part of a bargaining unit accrue paid sick leave according to the provisions set forth in the applicable 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 City Hall employees who are not part of a collective bargaining unit, and in accordance with R.R.O. 2.06.160, accrue 15 sick days per calendar year (1.25 days per month). Employees with questions regarding which bargaining unit is applicable to them can direct their questions to Human Resources.

C. SICK LEAVE USAGE

Sick leave may only 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 three (3) consecutive days or more than three (3) 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.

D. RETURN TO WORK

At his or her discretion, a Department Head may require an employee who has been out of work for three (3) consecutive days or more than three (3) days in any month provide 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.

E. SICK LEAVE INCENTIVE

Employees who are part of a collective bargaining unit may have incentives to exchange unused sick time for additional pay. All bargaining unit employees are encouraged to review their respective collective bargaining agreements in order to best understand the benefits that may be available to them. Once again, employees who are not in bargaining units should check with Human Resources to determine which sick leave incentive program applies to them.

F. SICK LEAVE AFTER TERMINATION

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

G. RETIREMENT BUY BACK

A full-time employee who terminates her or his employment to retire pursuant to Massachusetts General Law c. 32 and who has accumulated at least fifty (50) unused sick days as of the date of retirement shall as of the date of their termination be eligible to redeem any accrued, unused sick days up to a maximum of three hundred (300) days in accordance with the following:

- The first hundred (100) days may be redeemed at a rate of thirty dollars (\$30.00) per day
- The second hundred days (days 101-200) may be redeemed at a rate of forty dollars (\$40.00) per day
- The third hundred through three hundred and fiftieth days (201-300) may be redeemed at a rate of fifty-five dollars (\$55.00) per day

The maximum payment to an employee for accumulated unused sick leave days is \$17,250, less applicable taxes and withholdings.

18 SMALL NECESSITIES LEAVE ACT (SNLA) POLICY

A. Eligibility

Employees that have been employed by the City of Revere for at least twelve (12) months and have provided 1250 hours of service to the City during the previous twelve (12) month period of time and qualify for Family Medical Leave status are eligible for leave under the Massachusetts Small Necessities Leave Act (“SNLA”).

B. Purpose and Amount of Leave

An eligible employee is entitled to 24 hours of SNLA leave for any of the following purposes:

(1) to participate in school activities directly related to the educational advancement of the eligible employee's son or daughter⁴, such as parent-teacher conferences or interviewing for a new school⁵;

(2) to accompany the eligible employee's son or daughter to routine medical or dental appointments, such as check-ups or vaccinations; or

(3) to accompany the eligible employee's elderly relative⁶ to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

C. Twelve Month Period

The twelve (12) month period shall be consistent with that established under the City's Family and Medical Leave Act Policy.

D. Intermittent Use of Leave

Eligible employees may use SNLA leave in increments of time of one (1) hour or more.

E. Use of Accrued Leave⁷

Eligible employees that have accrued vacation, personal or sick leave (for medical appointments only) at the time they use SNLA leave will be required to use such accrued leave during the time they are on SNLA leave.

Eligible employees that do not have accrued vacation, personal or sick leave (for medical appointments only or as otherwise permitted by City ordinance or collective bargaining agreement) at the time they use SNLA leave will receive unpaid leave.

F. Return to Work

An employee that uses SNLA leave will be restored to the position he or she held when the SNLA leave commenced.

G. Procedures

Eligible employees must request SNLA leave at least seven (7) days in advance of the time for which SNLA leave is requested whenever the need for SNLA leave is foreseeable. If the need for SNLA leave is not foreseeable, an eligible employee must give the City notice as soon as practical. All notices to the City shall be made in writing unless circumstances prohibit written notice.

H. Certification

Each time an eligible employee takes SNLA leave, the eligible employees must complete a certification. Certification forms are available in the City's Human Resources Department. As

⁴ A "son or daughter" is defined as a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*. Further, the son or daughter must be under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

⁵ A "school" is a public or private elementary or secondary school, a Head Start program assisted under the Head Start Act, or a licensed children's day care facility.

⁶ An "elderly relative" is an individual that is at least 60 years of age and who is related by blood or marriage.

⁷ SNLA leave shall run concurrently with FMLA leave and sick leave under the Massachusetts Earned Sick Time law, to the extent the purpose of the SNLA leave overlaps with either FMLA leave and/or sick leave.

required by law, the certification will be maintained in the eligible employee's personnel file for three (3) years.

19 VACATION LEAVE

A. APPLICABILITY

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement.

B. ACCRUAL

Employees who are part of a bargaining unit accrue vacation according to the provisions set forth in the applicable 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 City Hall employees who are not part of a collective bargaining unit accrue vacation time at the exact same rate as bargaining unit employees in Units A and B. Employees with questions regarding vacation accrual can direct their questions to Human Resources.

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.

C. VACATION LEAVE USAGE

Requests for vacation leave must be made in writing to the Department Head at least two (2) work 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 and such carry over shall be limited to 3 week(s) of vacation leave to be used before the expiration of the fiscal year (i.e., by June 30th of the year into which it is carried over). An employee who seeks such a determination must submit a written request to the Mayor no later than December 1st 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; and
- By when the employee plans to use the vacation

D. VACATION LEAVE AFTER TERMINATION

Accrued but unused vacation time will be paid out upon termination of employment.

E. 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 the City's employ 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.

20 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 undisputed 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 and state 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 provided 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, or mandatory retirement programs will be explained to the employee 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 information, including pay stubs, is available on the City’s employee online portal.

OVERTIME PAY

Non-exempt employees are eligible to receive overtime pay of one and one-half (1 1/2) times the employee's regular hourly wage for hours worked that exceed forty (40) hours in one (1) week, unless otherwise required by law. Any time taken away from work for a job-related injury, paid holiday, jury duty, vacation day, paid sick time, or other leave, 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.

Exempt employees are not eligible for overtime pay.

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.

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 understandable to forget to punch in or out occasionally, 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, employees should not punch in prior to the beginning of their shift unless 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.

21 PAY INCENTIVES

A. APPLICABILITY

This policy applies to all employees unless otherwise addressed in a collective bargaining agreement. To the extent an employee is in a bargaining unit covered by a collective bargaining agreement, the collective bargaining agreement shall exclusively govern such pay incentives.

B. EDUCATIONAL INCENTIVES

Full-time employees shall be eligible for the following percentage increases to their base annual compensation, less applicable taxes and withholdings, according to the following schedule:

Degree Attained	Percentage Increase to Base Compensation
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 educational incentive, the employee must have received the applicable degree on or before July 1st of that year and must have filed a written request for the increase on a form prepared by the City Treasurer, on or before February 1st of the preceding year. New employees must submit such documentation within thirty (30) days of employment. The employee may only receive an increase for the highest degree obtained.

C. LONGEVITY INCENTIVE

This policy only applies to employees who are not covered by a collective bargaining agreement. Full-time employees who have completed nine or more years of continuous service with the City will receive an increase in pay, less applicable taxes and withholdings, according to the following schedule:

Years of Employment Completed	Additional Compensation
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

22 PERSONNEL RECORDS

A. 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.

23 POLITICAL ACTIVITY

A. APPLICABILITY

This policy applies to all City officials and employees.

B. 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.

24 RECRUITMENT & SELECTION AND NON-DISCRIMINATION

RECRUITMENT AND SELECTION

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

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, gender, pregnancy, sexual orientation, gender identity, age (over 40), ancestry, marital status, national origin, place of birth, veteran status, physical or mental disability, or any other status protected by local, state, or federal law. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, compensation, training, scheduling, and leaves of absence.

The City does not tolerate harassment, discrimination, or retaliation of any kind, including, but not limited to, these protected classes. Any employee who believes they have been discriminated against should report their concerns to their manager, Human Resources, or any other member of management with whom they feel comfortable.

25 REFERENCE POLICY

A. APPLICABILITY

This policy applies to all City employees.

B. 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 City department if such response is authorized by the Director of Human Resources.

26 SOCIAL MEDIA POLICY

I. Policy

A. Introduction. The City of Revere (the “City”) depends upon a work environment of tolerance and respect for the achievement of its goals in serving the Residents of the City of Revere.

B. Purpose. The purpose of this policy is to provide notice to Employees of the City that their use of social media must conform to the law and this policy. This policy is designed to promote and govern the business and personal use of social media in a responsible manner and to avoid uses that can: (1) breach confidentiality by revealing protected information about the City, its residents, or its employees; or (2) expose the City to legal liability for employer or employee behavior that may be harassing, offensive, or maliciously false; or (3) interfere with employees’ productivity and/or their ability to perform the duties and responsibilities of their positions with the City.

While this policy is primarily focused on addressing employees’ use of social media, all City officials and employees are expressly reminded to proceed with the utmost caution if using social media in their official capacity. City officials and employees are responsible for their own adherence to Massachusetts law governing open meetings, public records, and ethics.

Social media provides a potentially valuable means of assisting the City and its employees in carrying out their duties and responsibilities to the City. Where it would be appropriate and beneficial to the City and its constituents, the City may pursue the use of social media. This policy identifies potential uses (i.e., supported social media) that may be explored, implemented and/or expanded upon as deemed appropriate by the City.

Also, the City recognizes the role social media plays in the personal lives of some employees. Personal use of social media can have an impact on employees in their official capacity with the City. This policy provides information and sets parameters for acceptable use of social media by City employees.

This policy is not intended to interfere with the First Amendment rights of City officials or employees.

C. No Expectation of Privacy. There is no guarantee of privacy in any communications utilizing City electronic communications systems or other information systems owned and operated by the City. The City reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the City’s electronic communications or other information systems. In accessing the Internet, including social media sites, users should assume that all connections and sites visited will be monitored and recorded. This review helps to ensure

compliance with City policies, assists when internal investigations must be conducted and supports the management of the City's information systems. Use of the City's electronic communication devices, including but not limited to City-issued email accounts, Internet services, Intranet, cell phone services, smart phones (e.g. iPhones, Droids, etc.), pagers, City-owned lap-tops and computers provided for home use, and computer software constitutes acceptance of such monitoring.

II. Definitions

In order to accomplish this goal, social media will be categorized into two sections, supported and unsupported.

A. Supported Social Media and Social Networking Sites. In order to facilitate the integration of social/professional media and social networking into its business operations, the City will support the use of certain social media and social networking sites. All City-sponsored social media sites or pages shall be maintained by the City in coordination with the City's Information Technology (IT) Department. The City, therefore, will be establishing certain "supported" social media sites that will be utilized and managed by employees in various departments who are specially trained and authorized to administer the City's supported social media sites they are assigned to by their department head with approval of the IT Director. For any already existing City-sponsored social media sites, as of the date of this policy, employees managing those sites will be required to provide the name of the site, username, and password to the IT Director. If any employee wants to create a new City-sponsored, supported social media/social networking site, they must contact the IT Director who will create the City-sponsored page utilizing a username that is associated with the IT Department, along with the password. The following is an exclusive list of currently supported social/professional media sites, subject to modification by the City:

1. Facebook: The City has established Facebook pages for various departments. (For a complete list of current official Facebook pages and their administrators, please contact the IT department.)
2. X: The City has established accounts on "X" (formerly Twitter). (For a complete list of current official X accounts and their administrators, please contact the IT department.)
3. Linked-In: The City has established its own Linked-In page. (For a list of current official administrators, please contact the IT department)
4. YouTube: The City has established its own YouTube channel. (For a list of current official administrators, please contact the IT department.)
5. Instagram: The City has established Instagram accounts for various departments. (For a complete list of current official Instagram pages and their administrators, please contact the IT department).

All City-sponsored social media and social networking sites and pages must clearly indicate they are maintained by the City of Revere, and shall prominently display City contact information. The City's logo plus any departmental or official distinguishing symbols should be displayed on all City-sponsored social media sites.

B. Unsupported Social Media and Social Networking Sites. The City does not support or authorize⁸ the use of any social media and/or social networking sites that are not explicitly mentioned above in section II.A. The City reserves the right to amend the list of supported sites at its discretion. Examples of non-authorized social media and social networking sites are, but not limited to, the following:

1. X (non-City, individual account)
2. Facebook (non-City, individual account)
3. YouTube (non-City, individual account)
4. TikTok
5. Blogs
6. Message Boards
7. Instagram (non-City, individual account)

C. Terms.

City: The City of Revere.

City Officials: All elected or appointed officials of the City of Revere.

Employees: All persons employed by the City regardless of position.

Residents: Residents of the City of Revere served by the City.

Users: Employees or City officials of the City (individuals or groups) who use, direct, or control a social media account.

Social Media: Online forums in which Users participate in the exchange of ideas, messages, and content, including blogs, microblogs, and social networking sites (e.g., Facebook, LinkedIn, X, Instagram).

Electronic Media: All forms of electronic communication, transmission, or storage, including but not limited to, websites and any content contained therein or related thereto.

Testimonials and Endorsements: Any advertising message (including verbal statements, demonstrations, or depictions or other identifying personal characteristics of an individual or organization) that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring advertiser, even if the views expressed by that party are identical to those of the sponsoring advertiser. For the purposes of this policy, the

⁸ While the City does not support or authorize any of the social media and/or social networking sites that are not explicitly mentioned in Section II.A., employees may maintain and use personal web pages and websites, blogs, microblogs, social networking sites and other forms of social media while off-duty in accordance with this policy.

meaning of “Testimonials” and “Endorsements” shall be interpreted to be in conformity with their meanings in 16 CFR § 255.

III. General Provisions

A. While employees and City officials may maintain and use personal web pages and websites, blogs, microblogs, social networking sites and other forms of social media while off-duty, their status as employees of the City requires that the content of any postings on those social media sites or other web pages not be in violation of existing City policies, directives, rules or regulations. The City’s image as a professional organization comprised of professional employees is key to maintaining the respect of its constituents. Although the City recognizes that employees may choose to express themselves by posting personal information upon electronic media sites through personal websites, social networking sites, blogs, microblogs, chat rooms, or other electronic means or by making comments upon electronic sites hosted by other persons, groups or organizations, this right of expression is not free from limitation. That is, while the City acknowledges its employees have the First Amendment right to free speech, that right is not absolute and extends only to matters of public concern. Therefore, employees must ensure that comments they post which may be attributed to the City, and in particular those concerning the City and/or the City’s employees, are appropriate.

B. This section describes acceptable and unacceptable uses of all social media by employees and City officials of the City. Individuals must use their best personal judgment when using any form of social media and must ensure that doing so does not violate this or any other City policy or law.

C. City officials’ and employees’ use of social media is also subject to the City’s Communications Policy, Discrimination and Harassment Prevention Policy, as well as the City’s other policies, standards of conduct, and rules, or regulations.

D. All use of social media, whether authorized by the City or required by the position, must conform to the following regulations:

1. There is no guarantee of privacy for City electronic communications. The City reserves the right to review and/or monitor all City electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the City’s electronic communications systems. In accessing the Internet, including social media sites, users should assume that all connections and sites visited will be monitored and recorded. This review helps to ensure compliance with City policies, assists when internal investigations must be conducted and supports the management of the City’s information systems. Use of the City’s electronic communication devices, including but not limited to City-issued email accounts, Internet services, Intranet, cell phone services, smart phones (e.g., iPhones, Droids, Blackberries, etc.), pagers, City-owned laptops and computers provided for home use, and computer software constitutes acceptance of such monitoring.

2. All Users are expected and required to conduct themselves in a manner consistent with the standards of conduct set forth in the City’s other policies, including but not limited to the City’s Discrimination and Harassment Prevention Policy and Communications Policy,

whether on or off duty, with respect to social media. Also, whether on or off duty, all users are expected to conduct themselves in a manner consistent with the City's policies and standards of conduct with respect to social media.

Users must not reveal any confidential or privileged information about, or trade secrets of, the City, its constituents, or its contractors. Users must be particularly careful to protect against the inadvertent disclosure of confidential or privileged information.

3. Users must not harass any other employees or customers in violation of the Discrimination and Harassment Prevention Policy, regardless of the time, place, form, or manner in which the information is posted or transmitted. Online postings that harass or threaten any other employees or customers are expressly prohibited. See Discrimination and Harassment Prevention Policy for further guidance.

Sexually harassing or otherwise discriminatory comments or posts may be deemed inappropriate in violation of this Policy even if the City's name or the names of any of its Employees are not posted in the comment. Harassment also includes inappropriate comments or postings related to the genetic information of an individual or a family member of an individual as defined in the U.S. Equal Employment Opportunity Commission's (EEOC's) regulations governing Title II of GINA, 29 C.F.R. § 1635, et seq.

4. Users must ensure that they are honest and accurate when posting information or news, and if they make a mistake should correct it quickly. Users should never post any information that they know to be false about the City, fellow employees, constituents, residents, suppliers, vendors, contractors, or any other entities or individuals.

5. When using social media, unless authorized to act on the City's behalf through the use of social media, users should only express their personal opinions and should never represent themselves as a spokesperson for the City. If the City is a subject of the content created by an employee or official, the employee or official should be clear and open about the fact that he/she is an employee or official of the City and should make it clear that his/her views do not represent those of the City, fellow employees (if applicable), customers, suppliers, vendors, or any other agent of the City.

6. City officials and employees who publish blogs or other online posts related to the work they do or subjects associated with the City, unless authorized to act on the City's behalf through the use of social media, must make clear that they are not speaking on behalf of the City but, instead are expressing their own personal views. Further, an employee's decision to express his/her personal opinions does not alleviate his/her responsibility as an employee to take appropriate action under the circumstances, which may include, but not be limited to, taking action himself/herself or reporting an issue to a supervisor.

7. Users are expressly prohibited from using social media to engage in any activity or conduct that violates federal, state, or local law (e.g., software or data piracy, child pornography, etc.).

8. Access to and use of social media must not interfere with productivity and/or ability to perform the duties and responsibilities of employment with the City.

9. Users are prohibited from using social media to engage in any activity that creates a conflict of interest for the City or any of its officials or employees.

10. Managers, supervisors, and department heads are expressly prohibited from using any review or recommendation feature or system on a social media site (e.g., LinkedIn) to post reviews or other comments about subordinate employees.

11. Users are expressly prohibited from using social media to request, acquire, or purchase genetic information of an individual City official, employee, resident, constituent, or family member of the individual City official, employee, resident, or constituent, as specified by the EEOC's regulations governing Title II of GINA, 29 C.F.R. § 1635, et seq., except for information that is inadvertently or lawfully acquired pursuant to 29 C.F.R. § 1635.8(b).⁹ Any and all genetic information, however acquired, must be kept confidential at all times, and users are expressly prohibited from disclosing any such information. Supervisors who receive written genetic information must contact the City's Director of Human Resources and follow instructions as to the proper confidential storage of such information.

E. This policy is not intended to interfere with employee rights under Massachusetts General Laws Chapter 150E, Section 2, as amended, which protects employee rights of mutual aid and protection. As such, this policy will not be interpreted or applied in a manner that interferes with employee rights to self-organize, to join or assist a labor union, or to engage in other concerted activities for the purpose of mutual aid or protection, including the right to discuss wages and other conditions of employment with other employees and individuals, or to refrain from engaging in such activities.

F. Misuse. The City encourages anyone who uses social media in contravention of this policy in error to be honest and admit the error as soon as it occurs. Although errors cannot always be erased, prompt notification can make a significant difference in the City's ability to correct or remedy the issue.

G. Complaints or Problems of Misuse. Should any City official or employee of the City receive or become aware of a violation of this policy, including but not limited to harassing, offensive, threatening or intimidating communication via a social media site, from another City official or employee of the City, the recipient City official or employee should report the violation to the City's Director of Human Resources as soon as possible.

⁹ For example, an inadvertent acquisition of genetic information would be where a manager or supervisor learns genetic information about an individual by overhearing conversations between the individual and others or receives genetic information from the individual or third-parties during a casual conversation; provided, however, that the recipient has not asked questions of a probing nature related to the genetic information of the individual or the individual's family member. As well, genetic information received through a social media platform is deemed inadvertent so long as the recipient of the information has been given permission to access the social media platform by the creator of the profile, and so long as the recipient has not requested the information.

The City prohibits taking negative action against any employee for reporting a possible deviation from or violation of this Policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a potential violation of or deviation from this Policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination of employment.

H. Questions. Anyone who is unsure whether a particular posting or contribution to online social media violates this policy is encouraged to ask the Director of Human Resources.

I. Discipline. Any Employee who violates this policy shall be subject to appropriate discipline, up to and including termination of employment.¹⁰ The City intends to follow each provision of this Policy but reserves the right to change any provision at any time if circumstances warrant or require without notice. A failure to enforce this policy does not constitute a subsequent waiver of the right to address any violation of this Policy. This Policy shall be read and interpreted in conjunction with all other City policies and procedures.

27 WHISTLEBLOWER PROTECTION

A. 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 to the extent that they do not conflict with collective bargaining agreements.

B. 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 alleged improper governmental action taken by City officers or employees; and
- To protect City employees who have reported such alleged improper government actions in accordance with this policy.

The City encourages the reporting of alleged improper governmental action taken by any City officers or employees and the reporting of any 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 Director of Human Resources, the Mayor, or the appropriate governmental agency responsible for investigating such improper action. If requested by the Department Head or the Mayor, the employee may be requested to submit a written report to the City stating in detail the basis for the employee’s belief or allegations that an improper governmental action has occurred.

¹⁰ Subject to the City’s at-will employment policy.

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 Director of Human Resources, 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 Director of Human Resources 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 other 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 Director of Human Resources. City officials, administrators, and Department Heads shall take appropriate action to investigate and address complaints of retaliation.

The Director of Human Resources 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.

28 WORKPLACE VIOLENCE

A. APPLICABILITY

This policy applies to all City employees and officials.

B. POLICY

The City of Revere has zero tolerance for workplace violence or the threat of violence by any of its employees, officials, customers, the public, and/or anyone who conducts business with the City. The City is committed to providing a work environment that is free from intimidation, threats, and violent acts. All City employees and officials 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.

C. DEFINITIONS

Workplace violence includes, but is not limited to, instances of harassment, threats, physical attacks 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.

D. PREVENTION OF WORKPLACE VIOLENCE

The City believes in the importance of a safe work environment and is committed to 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.

E. PROCEDURE FOR REPORTING THREATS

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

The Human Resources Department will conduct a thorough and fair administrative investigation of the incident and will make findings and recommendations to the Mayor regarding the appropriate action to be taken. The Human Resources Department's investigation and recommendations will be in writing. The Mayor shall make the final decision regarding what, if any, actions will be taken and will communicate that determination to the Human Resources Department, 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.

F. MANAGEMENT RESPONSE TEAM

When a threat or an incident is deemed serious by the Director of Human Resources, 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 to agencies and programs offering assistance; and
- 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 Director of Human Resources for investigation.

G. 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 potential criminal investigation and, if substantiated, prosecution.

H. DEPARTMENT SECURITY AUDITS

Whenever the physical layout of the workspace is significantly altered, the Department Head(s) of the impacted department(s) will examine the escape routes of the work area and communicate any changes to all department employees. Department Heads 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.

I. EMPLOYEE TRAINING

The Human Resources Department, working in conjunction with the appropriate Department Head, 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 takes place, and how to manage the aftereffects of an act of violence.