

PERSONNEL BYLAW

SECTION 1: PURPOSE This bylaw shall be known as and cited as “The Town of Leicester Personnel Bylaw.” Its purpose is to establish personnel policies which may be adopted by the Town under provisions of Massachusetts General Laws, Chapter 41, Section 108A, and the Home Rule Amendment. These policies shall encompass a Job Classification and Compensation Plan and leave benefits.

SECTION 2: DEFINITIONS For the purpose of this Bylaw, the words and phrases used herein shall have the following meaning, except in those instances where the context clearly indicates a different meaning:

APPOINTING AUTHORITY: Any person, board, or commission having the power of appointment or employment pursuant to Massachusetts General Laws.

BOARD: The Personnel Board.

CASUAL EMPLOYEE: An individual employed in a position calling for work which does not constitute regular employment; the work being rendered occasionally and without regularity on an ad hoc basis, according to the demands, therefore as determined by the department head or appointing authority.

CLASSIFICATION: A job title of a position or a group of positions similar in duties, authority, responsibility, and qualifications.

CLASSIFICATION DATE: First day of employment in a given classification.

CLASSIFICATION PLAN: A listing of all approved job titles and an occupational grouping of classifications.

COMPENSATION PLAN: A listing of wages designated to job classifications.

CONTINUOUS SERVICE: Paid full-time and part-time employment in the service of the Town, which is not interrupted by resignation, termination, or dismissal. “Continuous service” shall include all leave with pay.

DAY: One-fifth (1/5) the total number of regularly scheduled hours in one work week.

DEPARTMENT HEAD: The officer, board, or other body having immediate charge and control of a department or agency.

FULL-TIME EMPLOYEE: An individual in the employ of the Town regularly scheduled for an average of not less than thirty-two (32) hours per week for fifty-two (52) weeks per annum.

HIRE DATE: First day of employment with the Town.

INTERMITTENT EMPLOYEE: An individual employed in a position whose service, although regular, is not rendered for prescribed working hours, either daily, weekly, or annually, but is rendered as required according to the department head or appointing authority.

ON-CALL EMPLOYEE: An individual in the employ of the Town who has been designated as available for duty as needed.

PART-TIME EMPLOYEE: An individual in the employ of the Town regularly scheduled for less than thirty-two (32) hours per week for fifty-two (52) weeks per annum. Part-time employees regularly scheduled for a minimum of twenty (20) hours per week for fifty-two (52) weeks per annum qualify for certain benefits as defined by this Bylaw.

PROBATIONARY EMPLOYEE: A full-time or part-time employee of the Town appointed to a permanent position whose employment is at will for a period of 90 days.

RATE: Amount of money designated as compensation for a job classification.

TOWN: The Town of Leicester.

WORK WEEK: The total number of regularly scheduled hours in one pay period.

SECTION 3: PERSONNEL BOARD

The Personnel Bylaw shall be administered by a Board consisting of five (5) residents of the Town, who shall be appointed by the Board of Selectmen. The term of office of members of the Board shall be three years, but the terms of no more than two members shall expire the same year.

No elected or appointed officer of the Town of Leicester and no person employed by the Town of Leicester shall be eligible for service on the Board.

The Board shall meet regularly as necessary to consider such business as may be presented by Town officials, Town employees, and others. Any member of the Board missing three (3) consecutive meetings without sufficient reason may be subject to removal.

At least three (3) members of the Board shall be present in order to constitute a quorum. At any meeting of the Board, action by a majority of all the Board members shall be binding. The Board shall serve without compensation.

SECTION 4: DUTIES OF PERSONNEL BOARD

- a) The Board shall maintain written descriptions of the job classifications describing the essential characteristics, requirements, and the general duties of said job classifications. The descriptions shall not be interpreted as complete or limiting definitions, and employees shall continue to perform duties assigned by their supervisors.
- b) The Town Administrator and department heads shall keep such records of Town employees as the Board may require. The Board shall keep such records of its own, as it considers appropriate. All personnel records of the Town, by whomever kept, pertaining to the Town's employees shall be open to inspections by the Board at all reasonable times.
- c) The Board shall review the job classification and compensation plan under its jurisdiction at intervals of not more than three (3) years. The Board may modify existing job classifications as conditions warrant and shall have any such modification ratified by the Board of Selectmen. No new classification(s) shall be established without a report of the Board, subject to the subsequent ratification of its actions by the Board of Selectmen. No new classification shall permanently exist until such ratification.

SECTION 5: APPLICATIONS

- a) The provisions of this Bylaw shall apply to all employees in the service of the Town of Leicester, except for positions filled by popular election, positions under the jurisdiction of the School Committee, positions covered by collective bargaining units of the Town pursuant to Chapter 150E of the General Laws, and positions covered under other contracts.
- b) Nothing in this Bylaw or the Administrative rules and regulations adopted by the Board shall limit any rights of employees under Massachusetts General Laws, Chapter 150E, or Chapter 31.
- c) Subject to the General Bylaws of the Town and this Bylaw, the Town Administrator shall be responsible for the day-to-day administration of the personnel system, in accordance with the policies of the Board. The Town Administrator may formulate, with the approval of the Board, personnel guidelines and directives for the purpose of effecting standardized, efficient, and equitable personnel procedures and practices. The Town Administrator may obtain such information or records as may be necessary from department heads in order to carry out his/her duties under this Bylaw.
- d) The Appointing Authority shall notify the Board upon selection of an applicant to a position with the Town and shall provide all pertinent information for the records of the Board. In the case of a Board of Selectmen appointment, the Town Administrator shall notify the Board.

SECTION 6: CONFLICT AND MODIFICATION

If any of the provisions of this Bylaw conflict with any relevant state law, the conflicting provision of this Bylaw shall be deemed modified by the law or regulation sufficiently only to end the conflict.

If any provision of this Bylaw, or application thereof, is determined to be invalid under state or federal law, such determination shall not be construed to affect the validity of any other provision of this Bylaw, or application thereof.

SECTION 7: AMENDMENTS

This Bylaw may be amended by vote of the Town at any Annual or Special Town Meeting. The Board shall make a report and recommendation to the Town prior to the taking of any action by the Town on any proposed amendment. Failure of the Board to report shall not prevent the Town from taking action on the

SECTION 8: POLICIES AND PROCEDURES

The Personnel Board shall establish, adopt, and maintain such policies, procedures, rules, and regulations as it deems necessary for the implementation and administration of this Bylaw.

**PART I
PERSONAL LEAVE**

SECTION 9: SICK LEAVE

Full-time and part-time employees of the Town subject to this Bylaw shall be allowed, without loss of pay, sick leave for personal illness as provided for in this section.

- 9.1 RATE OF ACCUMULATION** Full-time and part-time benefit-eligible employees shall accrue and accumulate earned sick leave credit for personal illness at the rate of ten (10) hours per month based on a forty (40) hour week for each full month of service. Those working less than forty (40) hours will accrue sick leave prorated at one-fifth (1/5) the total regular weekly scheduled hours x 1¼ for each full month of service.
- 9.2 MAXIMUM ACCUMULATION** Full-time and part-time employees may earn and accumulate sick leave up to a maximum of ninety (90) days.
- 9.3 USE OF SICK LEAVE** No sick leave with pay shall be granted during the first six (6) months of employment. The Town will allow an employee to use up to five (5) days of sick leave per calendar year for the purpose of caring for a spouse, child, or parent of either the employee or the employee's spouse, or for any person living under the same roof as part of the family, who is seriously ill or injured. A seriously ill or injured person is defined as any person under the care of a doctor who has been confined to a home or hospital with a serious verifiable medical condition.
- 9.4 SICK LEAVE EXTENSION** A full-time employee with ten (10) years of service and seventy (70) days of earned sick leave at the date of first absence for illness or disability of a prolonged and uninterrupted nature, shall be compensated at 60% of base pay while absent from work for said sickness for the period of time commencing upon exhaustion of sick leave and all other paid leaves, and ending on the first anniversary date of the illness. If prior to the first day of an extended illness, a full-time employee with five (5) years of service has been credited with thirty-five (35) or more days of accrued sick leave, then upon exhaustion of sick leave and all other paid leaves, the employee shall be compensated at 30% of his/her base weekly salary or wage until the first anniversary date of the extended illness. Employees on worker's compensation shall not be eligible for compensation under this provision.
- 9.5 DEDUCTIONS** Any compensated sick leave actually taken by any employee shall be deducted from his/her sick leave credit. Holidays and days not included in the employee's normal workweek shall not be deducted from sick leave credit. Loss of time directly attributed to injury incurred while performing regular duties and qualifying for workers compensation shall not be charged to sick leave.
- 9.6 WITHIN TOWN SERVICES** No transfer within the service of the Town shall affect the amount of earned sick leave credit and accumulations to which an employee has been entitled under this Bylaw. Upon transfer to another department, the employee's former department head shall transfer the employee's sick leave record to the employee's new department head.
- 9.7 UPON RETIREMENT** Upon retirement from the Town, an employee with a minimum of twenty (20) years of service shall be entitled to payment of twenty (20) days of accrued sick leave credits. If a retiree with twenty years of service has fewer than 20 days of accrued sick leave credits, he/she shall be paid the balance of said accrual. One (1) day would be equal to one-fifth (1/5) of the regularly scheduled hours per week.
- 9.8 ABSENCES** For absences on account of sickness in excess of three (3) consecutive working days, the department head may request a physician's certificate. For absences on account of sickness in excess of five (5) consecutive working days, the department head shall require a physician's certificate.
- 9.9 EARNING SICK LEAVE WHILE ON LEAVE OR WORKERS' COMPENSATION** All employees entitled to sick leave under this Bylaw shall earn sick leave credit even while in the status of paid sick leave. Employees entitled to sick leave under this Bylaw shall earn sick leave credit up to one year from the anniversary of the illness while in the status of Workers' Compensation. No sick leave will accrue while on unpaid leave. Accrual will resume upon return to work.

SECTION 10: VACATION LEAVE

- 10.1 ELIGIBILITY** Upon completion of the 90-day probationary period, full-time and part-time benefited employees as defined in this Bylaw shall be entitled to paid vacation in accordance with the following schedule.

Years of Continuous Service from Date of Hire	Vacation Award
Less than five (5) years of service	2 weeks
From five (5) years to less than ten (10) years of service	3 weeks
From ten (10) years to less than twenty (20) years of service	4 weeks
Twenty (20) years or more of service	5 weeks

One (1) week shall be the total number of regularly scheduled hours in a pay period.

Vacation Leave is credited monthly, beginning in the first month of employment, at the rate of 1/12th of the employee's annual entitlement, (e.g. based on a 40-hour work week – 6.667 hours per month if entitled to 2 weeks vacation; 10.0 hours per month if entitled to 3 weeks vacation; 13.334 hours per month if entitled to 4 weeks vacation; 16.667 hours per month if entitled to 5 weeks vacation.) Vacation Leave may not be taken until it is earned. Vacation entitlement for the first and last months of an individual's employment shall be pro-rated on a calendar-day basis to the date of hire or termination, as appropriate. For vacation increment purposes, the anniversary date shall be considered the first day of the month of date of hire, for those employees hired between the first and the fifteenth day of the month. Those employees hired after the fifteenth day of the month shall have an anniversary date of the first day of the following month, for vacation increment purposes.

Part-time employees working an average of at least 20 hours per pay period are entitled to vacation according to the above schedule, with their vacation pay pro-rated to their regularly scheduled hours in a work week.

Temporary employees or employees working fewer than 20 hours per pay period are not entitled to Vacation Leave.

10.2 USE OF VACATION LEAVE Vacations shall be scheduled with the approval of the department head and Town Administrator for such time as best serves the needs of the department and the public. Although vacation accruals begin from date of hire, vacation entitlement and use commences upon completion of the 90-day probationary period.

10.3 MAXIMUM ACCRUAL An employee may have up to the equivalent of one (1) year's entitlement of accrued Vacation Leave at any given time. Any Vacation Leave accrued in excess of the permitted maximum accrual will be forfeited, without compensation.

NOTE: There will be a period of adjustment with a higher maximum accrual permitted for FY'10 and FY'11 to allow use of previously earned vacation accruals as indicated in Personnel Board Policy Manual, *Implementation of Monthly Vacation Leave Accrual*.

10.4 TERMINATION OF EMPLOYMENT Upon termination of employment with the Town, an employee shall be entitled to payment of all unused accrued vacation credit prorated to the date of separation.

10.5 EARNING VACATION WHILE ON LEAVE OR WORKERS' COMPENSATION Employees will continue to earn vacation credit while on paid leave. An employee will continue to earn vacation credit while in the status of workers' compensation for up to one year from the anniversary date of the injury. No vacation credit will accrue while on unpaid leave. Accrual will resume upon return to work.

10.6 RATE OF PAY FOR VACATION LEAVE Vacation Leave will be paid at the employee's base pay rate at the time of vacation.

SECTION 11: OTHER LEAVES

11.1 MILITARY TRAINING Full-time employees who are required to report for temporary summer, or a like period of training in the military forces of the nation or the Commonwealth, shall be paid an amount equal to the difference between compensation for a normal working period and the amount paid for military training; provided that the employee furnish to his/her Department head an authenticated copy of the orders issued to him/her and an authenticated certificate showing the date or dates on which such duty was performed. Instead, an employee, on his/her request, may schedule his/her regular vacation during his/her period of military leave. The maximum amount of military training allowed in a fiscal year is seventeen (17) working days.

11.2 JURY DUTY An employee required to serve on a jury on days he/she is scheduled to work, shall be paid his/her regular wages for the first three (3) days, or part thereof, of such juror service, at his/her regular straight time rate. For fourth and subsequent days of such juror service, the employee shall be paid the difference between the amount received as juror compensation (excluding travel allowance) and the employee's straight time wage. An employee seeking compensation in accordance with this Section shall notify the Department head after receipt of the

notice of selection for jury duty and shall furnish a written statement to the Town showing dates of juror service, time served, and the amount of juror compensation received.

If an employee is required to appear in Court as a defendant or witness in an action arising out of the performance of his/her duties for the Town, the employee shall be construed to be on duty for the Town if such time as he/she is officially required to be in court falls within his/her regularly scheduled working hours. The employee shall provide prior notice to his/her Department head of such court appearance and such documentation as may be requested by the Department head.

11.3 MATERNITY LEAVE All qualified full-time and part-time employees, as defined in this Bylaw and covered by MGL Chapter 149, Section 105D, shall be entitled to maternity benefits.

11.4 FAMILY AND MEDICAL LEAVE The Town of Leicester shall provide its employees Family and Medical Leave in accordance with provisions of the Federal Family and Medical Leave Act and the Massachusetts Small Necessities Act. The Board of Selectmen may issue such rules, regulations, and policies as may be necessary to carry out the Acts. The Town Administrator shall administer the leave program.

11.5 BEREAVEMENT In the event of a death in the immediate family of a full-time or part-time employee, he/she will be entitled to a maximum of one (1) regularly scheduled work week of Bereavement Leave. Paid bereavement begins the first day following death and is payable according to the following:

- *One (1) work week:* Employee's spouse or domestic partner, child, step-child, parent, step-parent, brother, sister, step-brother, step-sister.
- *Three (3) consecutive days:* Employee's grandparents, grandparents-in-law, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law.
- *One (1) day:* Employee's brother-in-law, sister-in-law, aunt, uncle, first cousin.

Bereavement Leave is normally granted immediately following a death in the family. If funeral arrangements are postponed or when other unusual circumstances exist, the employee may, with supervisory approval, defer the Bereavement Leave to a later date.

Bereavement Leave cannot be paid in addition to any other paid time off such as Holiday, Vacation, Sick, or Personal Leave. However, if an employee is being paid Sick, Vacation, and/or Personal Leave, he/she may request to be paid Bereavement Leave.

If an employee is regularly scheduled to work on a day on which a holiday falls and is on Bereavement Leave, he/she will be paid Bereavement Leave for his/her regularly scheduled hours and will receive Holiday Compensatory Leave for his/her regularly scheduled hours.

11.6 PERSONAL LEAVE

a. Full-time and part-time benefited employees will be entitled to three (3) personal days per year, not to exceed twenty-four (24) hours based on a forty (40) hour work week. Any employee with a scheduled work week of less than 40 hours will be entitled to 3 days per year prorated at $1/5 \times$ his/her regularly scheduled hours per week.

During the first year of employment each such employee will be eligible for the following personal leave:

- hired between July 1-October 30 – 3 days,
- hired between November 1-February 28(29) – 2 days, and
- hired between March 1-June 30 – 1 day.

Personal Leave shall be scheduled with prior approval of the department head subject to the operating and staffing needs of the department as determined by the department head. Personal Leave must be used during the fiscal year in which it is awarded and cannot be carried over from fiscal year to fiscal year. Personal Leave not used by the end of the fiscal year shall be lost and may not be converted to cash. Upon termination or retirement Personal Leave may not be converted to cash.

b. All permanent benefited employees who regularly work 20 or more hours per pay period and are not covered by a collective bargaining agreement shall accrue one (1) Personal Leave day for every consecutive six (6) month period of perfect attendance, with a maximum accrual of two (2) additional Personal Leave days per fiscal year. Accrued Vacation Leave, Personal Leave, and compensatory time shall not be considered a breach of perfect attendance. A Personal Leave day awarded for perfect attendance is defined as one-fifth (1/5) of the employee's scheduled hours in a regular work week. Each Personal Leave day awarded for perfect attendance must be used within six (6) months from the date it is initially

awarded. If Sick Leave is taken by an employee, the six (6) month period for perfect attendance shall commence upon that employee's first day returning to work.

Section 11.7: HOLIDAY LEAVE. (This section effective upon approval at 2009 Town Meeting (which was June 16).

Full-time and part-time benefited employees shall be paid for each of the following holidays as outlined below:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

If a full-time or part-time employee is:

1. regularly scheduled to work on a day on which a holiday falls, he/she will be paid for his/her regularly scheduled hours,
2. regularly scheduled and required to work on a day on which a holiday falls, he/she will be paid straight time for hours worked and receive holiday pay for his/her regularly scheduled hours,
3. not regularly scheduled to work on a day on which a holiday falls, he/she will receive Holiday Compensatory Leave at one-fifth (1/5) the total number of hours he/she is regularly scheduled to work during a normal work week, or
4. not regularly scheduled to work on a day on which a holiday falls but is required to work (with the exception of department heads), he/she will be paid straight time (or according to overtime rules, if applicable) for hours worked and receive Holiday Compensatory Leave at one-fifth (1/5) the total number of hours he/she is regularly scheduled to work during a normal work week.

NOTE: Holiday Compensatory Leave will be scheduled at the discretion of the department head and must be taken within six (6) months.

11.7 AUTHORIZED LEAVE WITHOUT PAY Leaves of absence without pay may be granted only after the written recommendation of the department head and the approval of the Board of Selectmen. The Board of Selectmen shall consider whether the leave is scheduled for such time as best serves the needs of the department and the public.

11.8 UNAUTHORIZED LEAVE WITHOUT PAY Any absence which has not been authorized by law, this Bylaw, or by administrative rules and regulations shall be unauthorized leave without pay. Any employee who is absent for a period of five (5) consecutive workdays without specific authorization for such absence shall be deemed to have permanently vacated his/her position, unless authorization is subsequently granted by the Town Administrator.

PART II SALARY/WAGES

SECTION 12: COMPENSATION

All employees included in the Job Classification and Compensation Plan shall be eligible to receive pay based upon their job classifications. All rate and/or job classification adjustments shall be subject to written recommendation of the appointing authority with the approval of the Board.

The Board shall meet yearly with the Board of Selectmen and the Advisory Board, prior to December 1st, to determine whether the financial status of the Town would warrant an overall adjustment to the Job Classification and Compensation Plan and further to recommend to the Board of Selectmen, what the adjustment should reflect.

The starting rate shall be the minimum of the salary grade of the job classification to which the new employee has been hired. The Board may provide a starting rate higher than the minimum of the salary grade upon written recommendation from the appointing authority. The recommendation must substantiate that the candidate possesses prior job experience, extra qualifications, and/or education that directly relates to the job classification.

The department head shall submit to the Personnel Board an annual performance review of employees in the Job Classification and Compensation Plan prior to each employee's classification date. The Personnel Board will authorize a step/longevity increase if the employee's review meets or exceeds the requirements of his/her position. The approved Town of Leicester forms (Performance Evaluation – Form

HR1 and Emergency Medical Service Performance Evaluation – Form HR2) will be used for all employees. No other form may be substituted.

Other variances as may be deemed necessary for the proper functioning of the services of the Town, may be authorized by the Board.

Any adjustments provided for this section shall be subject to availability of funds.

SECTION 13: CLASSIFICATION Refer to the Town's "Classification and Compensation Plan."

SECTION 14: PAY SCHEDULE Refer to the Town's "Classification and Compensation Plan."

PART III SALARY/WAGES

SECTION 15: HEALTH FUND AGREEMENT AND TRUST

- A. Non-bargaining unit members shall be eligible to participate in the Town's Health Fund Agreement and Trust, established pursuant to Section 15 of Chapter 32B, where non-bargaining unit members live outside of the HMO service area and who were full-time employees retiring after November 1, 1994 from the service of the Town.
- B. To be eligible for benefits under the Trust, a retired employee must be participating in the Town's health insurance program unless said employee is located in an area where it is unavailable, and must be actually retired under Chapter 32 of the Massachusetts General Laws.
- C. The Town's minimum financial contribution and liability under the Trust shall not be less than 50%. The Board of Selectmen shall have the right to adjust the Town's level of contribution and to set a financial cost ceiling on the Town's contribution under the Trust.
- D. No person receiving benefits under this bylaw may pyramid health insurance benefits with another health insurance program of the Town.
- E. The Board of Selectmen may adopt appropriate rules and regulations to implement this bylaw.