



Town of Leicester, Massachusetts

# Special Town Meeting Guide

Fall Town Meeting – October 24, 2023 – 7:00PM

“In the Hands of the Voters”

Meeting location:  
Town Hall Gymnasium  
3 Washburn Square  
Leicester, MA 01524

Published 10/17/2023

## Town Rules & Procedures Review

Each Town Meeting is a formal legislative body. As such, we are governed by both Massachusetts General Laws and Chapter Two of Leicester's Town By-Laws. Our proceedings follow "Town Meeting Time, A Handbook of Parliamentary Law", and tradition.

The Town Moderator does not vote, except in cases of a tie vote on the floor.

Town Meetings in Leicester are open only to registered voters.

As members of the town meeting, voters have the right, if they so choose, to present opinions and to ask questions through the moderator in relation to the motion under discussion, and only to the motion under discussion. You have a right to be comfortable with the facts at hand in order to make an informed vote.

A voter wishing to address the meeting through the moderator should approach the microphone and must identify themselves and state their address each time they address the meeting. If it seems that the Moderator is not aware of your desire to speak, please give some signal so that you will be recognized. If you are not able to get to the microphone, please give a signal and a teller or volunteer will bring a microphone to you.

No one may speak to any motion more than twice, except to clarify a point or respond to a question through or from the moderator, and maximum time is ten minutes. Voters must stay on topic with the motion at hand, and personal attacks or slurs of any kind will not be tolerated.

If you have a question as to why something is done in a fashion, feel free to ask. Raise that question or issue with the statement, "Point of Order."

If a member of this meeting wishes to move the question, that motion must be made from the microphone. A motion to move the question will not be accepted from the floor. A motion to move the question simply indicates that at least the individual offering the motion to move the question and person making the second have heard all the debate they feel is needed. A seconded motion to move the question is not a debatable motion. At such time, all debate will cease, and a vote is taken. A 2/3 majority is required for passage. If the motion to move the question passes, we will immediately vote on the motion which was under discussion in the hands of the meeting. If the motion to move the question is defeated, debate on the motion previously under discussion will resume. This procedure is often misunderstood but is allowed and governed under the By-Laws of the Town of Leicester.

Any motion undertaken by Town Meeting in Leicester may be reconsidered, meaning it can be brought up for a vote a second time. The motion to reconsider a motion must be made within one hour of the taking of the original vote on the motion in question. A motion cannot be brought forward for reconsideration more than once.

Any motion made must be within the scope of the articles posted in the warrant and presented to the moderator in writing.

Respectfully,

Doug Belanger

Town Moderator

*On September 6, 2023, the Division of Local Services certified the Town of Leicester's FY 2023 Free Cash in the amount of **\$1,841,834** for the General Fund, **\$344,807** in Retained Earnings for the LCAC Cable PEG Access enterprise fund, and **\$1,040,057** for the Ambulance/EMS Enterprise Fund. If all if the transactions listed are voted at Town Meeting, the remaining balance in Free Cash will be **\$1,285,407.95**.*

WORCESTER, SS.  
To a Constable in the Town of Leicester,

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Leicester qualified to vote in Town Elections and Town Affairs to meet at the Town Hall Gymnasium, 3 Washburn Square, Leicester, MA 01524 on Tuesday, the twenty-fourth day of October, 2023 at 7:00 PM, then and there to act on the following articles, namely:

**ARTICLE 1 PRIOR YEAR BILLS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of monies in order to pay bills from prior fiscal years or take any action thereon.

**PROPOSED MOTION**

***I move the Town vote to transfer \$26,426.05 from Free Cash to pay the prior year bills as listed in the Fall 2023 Town Meeting warrant.***

Department	Vendor	Amount
Town Buildings	Polar Beverages (3 Invoices)	24.00
FY 21 CDBG Covid 19 Grant (closed)	Lightsmart Energy Consulting LLC	\$12,756.78
Senior Center	Bigelow Electrical Co. Inc (Generator repair)	\$3,720.36
Department of Inspectional Services	Local IQ New England (Telegram Legal Notices) (6 legal advertisements)	\$428.80
Fire Department	United Medical Waste (4 invoices)	\$419.50
Fire/Ems	Cintas	\$229.43
IT	Clear Com	\$408.00
Highway Department	Classic Automotive	\$232.13
Town Hall	Dillon Boiler Services Co., Inc.	\$3,088.53
Police	Payroll deduction	\$471.24
Town Administrator	Competitive Energy	\$2,500.00
Police	Industrial Designworks	\$564.00
Treasurer/Collector	Tasc - Prior year Insurance deficit	\$1,583.28
<b>Total</b>		<b>26,426.05</b>

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 1. However, the Committee notes that this is an excessive number of unpaid bills from previous years. The Committee reiterates our recommendation made at the May 2023 Annual Town Meeting that the Town adopt a policy regarding the timeliness of invoice submission and payment. Town employees who oversee expenditures must be aware of their responsibility to track expenditures from obligation to payment.

**SELECT BOARD RECOMMENDATION**

Favorable Action (3-0-0)

**DESCRIPTION**

This article is required for the payment of bills prior to July 1, 2023, that were not submitted by the close of the fiscal year.

**VOTE REQUIRED FOR PASSAGE** Requires a 9/10<sup>th</sup>'s vote pursuant to MGL Chapter 44, §64.

**ARTICLE 2 DEPARTMENT AND/OR WARRANT ARTICLE TRANSFERS - FY2024**

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, transfer from other budget accounts, adjust budgets, transfer to/from or adjust existing warrant articles such sums of money as may be necessary to defray expenses and fund various and diverse accounts in the Fiscal Year 2024 operating budget of the Town, any other warrant articles or take any action thereon.

**PROPOSED MOTION #2A - FUND TRANSFERS – ENTERPRISE BUDGET**

***I move that the Town vote to transfer the following sums, totaling \$57,500 from and to the accounts listed in the table below:***

From	Amount	Reason
EMS Retained Earnings	\$57,500	
<b>Total</b>	<b>\$57,500</b>	

To	Amount	Reason
EMS Budget - Wages	\$29,000	Full Time EMS Director
EMS Budget – Building Maintenance	\$5,000	Increase Station 1 Maintenance
Ems Budget – Dues/Maintenance	\$3,500	Lexipol Membership

EMS Budget - Electricity	\$12,000	Station 1 Electricity
EMS Budget – Heating Fuel	\$8,000	Station 1 Fuel
<b>Total</b>	<b>\$57,500</b>	

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 2A, increasing the FY 2024 EMS Operating Budget by \$57,500, transferring that sum from the EMS Enterprise Fund Retained Earnings to the accounts indicated.

**SELECTBOARD RECOMMENDATION**

Favorable Action (3-0-0)

**DESCRIPTION**

This request would amend the Fiscal Year 2024 EMS operating budget by transferring funds from retained earnings to support the increase needed to hire a full time EMS Director, to pay for the portion of the Fire Chief's updated contract that is funded by the EMS Budget, and to have the EMS budget pay for portions of utilities and maintenance of the Fire Headquarters.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote.

**PROPOSED MOTION #2B FUND TRANSFERS – WARRANT ARTICLES**

***I move that the Town vote to transfer the following sums, totaling \$30,000 from Free Cash to the following warrant articles listed in the table below:***

<b>From</b>	<b>Amount</b>	<b>Reason</b>
Free Cash	\$30,000	Available funding
<b>Total</b>	<b>\$30,000</b>	

<b>To</b>	<b>Amount</b>	<b>Reason</b>
Fire Station #3 Roof	\$30,000	Estimate – Budget reduced by settlement costs and architectural fees
<b>Total</b>	<b>\$30,000</b>	

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 2B to support the roof repairs of Fire Station #3.

**SELECTBOARD RECOMMENDATION**

Favorable Action (3-0-0)

**DESCRIPTION**

This request seeks to transfer funds from Free Cash to fund a potential shortfall in the Station #3 roof project. We are awaiting architectural drawings before putting it out to bid.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote.

**ARTICLE 3 ADJUST FY 2024 OPERATING BUDGET**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money as may be necessary to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2023, as voted at the May 2, 2023 Annual Town Meeting Warrant or take any action thereon.

**PROPOSED MOTION**

***A.) I move that the Town raise and appropriate and transfer from available funds the sum \$2,503,913 to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2023, as listed in the May 2, 2023 Annual Town Meeting Warrant and as amended below:***

<b>Sources</b>	<b>Reason</b>	<b>Amount</b>
Raise and Appropriate; transfer from available funds	Increased overall receipts/reduced assessments	744,664
Transfer from Receipts Reserved (Bond Premium)		259,249
Transfer from grants	ARPA Funds Voted by the Select Board	1,500,000
<b>Total</b>		<b>2,503,913</b>

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DEPT #	DEPARTMENT NAME	FY 2023 Budget	FY 2023 Expended	FY2024 Spring Town Meeting Budget	FY2024 Fall Town Meeting Updated Budget	\$ Change
111	LEGAL					
	TOTAL	122,151	115,931.52	99,000	99,000	0
114	MODERATOR					
	TOTAL	151	57.00	200	200	0
122	SELECT BOARD/TA					
	TOTAL	373,053	325,710.79	411,065	428,228	17,163
130	RESERVE FUND					
	TOTAL	50,000	0.00	50,000	50,000	0
131	ADVISORY BOARD					
	TOTAL	1,325	264.00	1,325	1,325	0
135	ACCOUNTANT					
	TOTAL	160,746	159,746.11	163,375	168,592	5,217
141	ASSESSORS					
	TOTAL	132,457	126,592.69	136,124	136,124	0
145	TREASURER/COLL ECTOR					
	TOTAL	199,744	194,237.43	215,859	227,522	11,663
147	TAX TITLE					
	TOTAL	16,000	16,000.00	0	0	0
152	PERSONNEL BD					
	TOTAL	275	275.00	275	275	0
155	IT DEPARTMENT					
	TOTAL	206,060	193,873.38	209,242	224,242	15,000
161	TOWN CLERK					
	TOTAL	139,239	124,624.96	148,145	148,145	0
162	ELECTIONS & REGISTRATIONS					
	TOTAL	51,700	51,685.55	37,700	37,700	0
180	DEVELOPMENT & INSPECTIONAL SERVICES					
	TOTAL	268,589	207,205.99	277,771	277,771	0
192	TOWN OWNED BLDG MAINT					
	TOTAL	56,081	54,970.45	48,281	48,281	0
197	TOWN HALL BLDG MAINTENANCE					
	TOTAL	86,909	85,221.09	86,909	86,909	0
198	TOWN HALL TELEPHONES					
	TOTAL	7,400	6,877.89	6,400	6,400	0
199	OTHER - GENERAL GOV					
	TOTAL	33,100	31,176.06	33,100	33,100	0

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DEPT #	DEPARTMENT NAME	FY 2023 Budget	FY 2023 Expended	FY2024 Spring Town Meeting Budget	FY2024 Fall Town Meeting Updated Budget	\$ Change
210	POLICE DEPT					
	TOTAL	2,362,250	2,160,069.57	2,374,272	2,374,272	0
220	FIRE DEPT					
	TOTAL	385,963	366,196.30	370,873	385,873	15,000
290	EMERGENCY MANAGEMENT					
	TOTAL	6,467	5,823.89	6,546	6,546	0
241	CODE DEPT					
	TOTAL	128,667	122,539.15	132,586	132,586	0
292	ANIMAL CONTROL					
	TOTAL	34,954	32,759.11	35,484	35,484	0
296	INSECT PEST CONTROL					
	TOTAL	7,850	5,014.46	7,850	7,850	0
310	LEICESTER PUBLIC SCHOOLS					
	TOTAL	17,492,412	17,491,838.85	18,170,366	20,605,236	2,434,870
420	DPW					
	TOTAL	1,026,814	959,565.77	1,085,114	1,090,114	5,000
423	SNOW & ICE					
	TOTAL	406,000	404,185.84	121,000	121,000	0
424	STREETLIGHTS					
	TOTAL	35,000	25,925.68	35,000	35,000	0
541	COUNCIL ON AGING					
	TOTAL	109,342	101,931.74	111,800	111,800	0
543	VETERANS SERVICES					
	TOTAL	76,807.78	64,791.58	108,477	108,477	0
545	VETERANS GRAVES REG					
	TOTAL	2,400	2,377.20	2,400	2,400	0
610	PUBLIC LIBRARY					
	TOTAL	239,386	237,688.19	244,236	244,236	0
630	PARKS & RECREATION					
	TOTAL	6,450	5,859.32	6,450	6,450	0
691	HISTORICAL COMM					
	TOTAL	950	0.00	950	950	0
692	MEMORIAL DAY COMM					
	TOTAL	3,000	2,671.39	3,000	3,000	0
710	MATURING DEBT PRINCIPAL					
	TOTAL	1,052,066	1,052,065.85	1,203,832	1,203,832	0
751	MATURING DEBT INTEREST					
	TOTAL	293,828	293,740.61	255,321	255,321	0



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DEPT #	DEPARTMENT NAME	FY 2023 Budget	FY 2023 Expended	FY2024 Spring Town Meeting Budget	FY2024 Fall Town Meeting Updated Budget	\$ Change
752	TEMPORARY LOAN INTEREST					
	TOTAL	191,700	191,699.11	743,889	743,889	0
753	BOND ISSUE					
	TOTAL	1,100	0	0	0	0
911	WORC REG RETIREMENT					
	TOTAL	1,717,353	1,717,353	1,823,365	1,823,365	0
912	WORKER COMPENSATION					
	TOTAL	219,863	192,831.70	252,842	252,842	0
913	UNEMPLOYMENT COMP					
	TOTAL	32,000	15,207.75	142,000	142,000	0
914	EMPLOYEE BENEFITS					
	TOTAL	2,776,782	2,735,642.32	3,365,364	3,365,364	0
945	BONDING & INSURANCE					
	TOTAL	339,116	313,043.64	358,939	358,939	0
911	SHARED MAINTENANCE EXPENSES					
	TOTAL	414,456	414,087.02	642,090	642,090	0
TOTALS		31,268,046.78	30,609,358.95	33,528,817	36,032,730	2,503,913

**Explanation of budget increases:**

Department	Reason	Amount
Select Board/TA	Funding of Departmental training/professional development (8,794). Funding for an IT/Public Information Officer stipend (8,369)	17,163
Accountant	Funding for step increase for Assistant Accountant	5,217
Treasurer/Collector	Funding for step increases for Asst T/C and T/C administrative clerk (4,506), and contract adjustment for Treasurer/Collector (7,157)	11,663
IT	5,000 sought for replacement of aging hardware, and 10,000 for web site design, implementation, and staff training.	15,000
Fire Department	Contract Increase for Fire Chief	15,000
School Department	Department budget increase approved by Select Board	2,434,870

Department of Public Works	Funding for tree removal	5,000
<b>Total</b>		<b>2,503,913</b>

#### DESCRIPTION

This article adjusts the FY24 budget. The revenues, which make up the annual budget, come from five categories: taxation, state aid, local receipts, free cash, and other available funds. These revenues are not finalized until July or August of each year. However, the budget is assembled in February using conservative forecasted revenue assumptions. When final estimated revenue numbers come in, funds are either apportioned to or removed from departments at the following Fall Town Meeting.

**NOTE: The appropriation of ARPA funds is the sole discretion of the Select Board. The Department of Revenue prefers that the funds be voted at Town Meeting for the purpose of keeping the history of general fund budgeting clear as part of the historical.**

**Also, please be advised that these appropriations are in no way tied to a Proposition 2 ½ override vote. The funding comes from changes in the State budget, the ARPA funds, and appropriations of forecast revenue from the shelter project.**

The revenue changes in this article come from the following sources:

Revenue	ATM 5-2-23	STM	Change
Property Tax	19,495,407	19,775,965	280,558
State Aid	13,680,656	13,705,629	24,971
Local Receipts	2,572,596	2,628,963	56,367
Free Cash	307,414	307,414	0
Other Available Funds	1,155,938	3,718,391	2,562,453
<b>Subtotal: Revenue</b>	<b>37,212,013</b>	<b>40,136,362</b>	<b>2,924,349</b>
<b>Non-General Fund Budget Costs</b>			
Vocational School Tuition	-1,100,000	-1,100,000	0
Ambulance Receipts	-1,120,938	-1,178,438	-57,500
State Assessments/offsets	-1,256,840	-1,265,741	196,517
Capital Plan	0	-559,453	-559,453
<b>Subtotal – Non-General Fund Budget costs</b>	<b>-3,683,196</b>	<b>-4,103,632</b>	<b>-420,436</b>
<b>Total Funds for FY 2024 Budget</b>	<b>33,528,817</b>	<b>36,032,730</b>	<b>2,503,915</b>
<b>Expenses</b>			
FY 2024 Budget	33,528,817	36,032,730	2,378,657
<b>Total</b>	<b>33,528,817</b>	<b>36,032,730</b>	<b>2,503,913</b>

**Other Available Funds**

Source	ATM 5-2-23	STM	Change
Ambulance	1,120,938	1,178,438	57,500
Bond Premium		259,249	259,249
ARPA Funding		1,500,000	1,500,000
Shelter Funds		745,704	745,704
Miscellaneous Revenue	35,000	35,000	
<b>Total</b>	<b>1,276,571</b>	<b>3,718,391</b>	<b>2,562,453</b>

<b>School Appropriation Analysis (Based on the School Committee recommended FY24 budget, not what was appropriated at Town Meeting).</b>	
Description	Amount
Approved SC FY24 budget	\$21,192,587.00
funds from Town per Memo FY24	-\$18,170,366.00
initial shortfall	\$3,022,221.00
School Choice Funding FY23 for FY24	-\$372,221.00
remaining shortfall requested from Town	\$2,650,000.00
ARPA voted by Select Board	-\$1,500,000.00
<b>Remaining shortfall after ARPA vote</b>	<b>\$1,150,000.00</b>
<b>Additional budget reductions</b>	
reduction due to lower Salary for new hires	-\$341,389.00
reduction transportation no bus between LHS/LMS	-\$72,000.00
reduction due to not replacing or hiring some positions	-\$148,532.00
reduction in cost salary OT/PT to Agency FREC	-\$17,000.00
<b>Total budget reductions:</b>	<b>-\$578,921.00</b>
unanticipated Special Ed Agency Hires	\$549,791.00
repurpose ESSER III funds from IT Chromebooks	-\$186,000.00
<b>Total budget reductions revised:</b>	<b>-\$215,130.00</b>

<b>Additional School Budget Request</b>	
ARPA Funding	\$1,500,000
Additional Funding from the general fund	\$1,150,000
Subtotal	\$2,650,000
<b>Less: Budget reductions</b>	<b>-\$215,130</b>
<b>Total budget reductions revised:</b>	<b>\$2,434,870</b>

**ADVISORY COMMITTEE RECOMMENDATION**  
Favorable Action (3-1-0)

The Advisory Committee recommends favorable action on Article 3 with significant concerns about the dependance on the ARPA grant and unrealized revenue from the dormitory leases to fund school operational costs in FY 2024 and a lack of School Committee long range financial planning for addressing shortfalls in FY 2025 and beyond.

**SELECT BOARD RECOMMENDATION**

Favorable Action (3-0-0)

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote under M.G.L. c. 40, §5

**ARTICLE 4 FY 2023 CAPITAL IMPROVEMENT PLAN**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the following Capital Improvement Plan items.

**PROPOSED MOTION**

***I move that the Town vote to raise and appropriate the sum of \$559,453 to purchase the capital items listed below.***

DESCRIPTION	COST
DPW Dump Truck	\$50,000
DPW Ford F450	\$100,000
Police Flooring	\$44,000
DPW Mower	\$40,738
School Boiler	\$65,853
Fire Forestry Truck	\$80,000
Town Hall Generator	\$125,000
Police Detective Station	\$32,862
Library Computers	\$21,000
Total	\$559,453

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 4 .

Most of the items recommended by the Capital Improvement Committee have been scheduled for replacement in previous years. Many of the recommended purchases address employee and citizen safety issues.

Both DPW vehicle purchases are to replace trucks that are no longer operational or feasibly repairable. DPW Truck #4 was scheduled to be replaced in FY 2025 at a cost

of \$270,000, however, the vehicle is no longer operational. The purchase of a used 2011 replacement for \$50,000 supports the near-term operations of the DPW.

Article #14 passed at the May 2023 Annual Town Meeting authorized \$22,550 to replace the damaged brush cutter that attaches to the large John Deere tractor boom. Subsequently, the DPW determined that it is more fiscally responsible to purchase a boom flail mower to attach to the trackless MT7 the Town owns. Whereas the John Deere tractor is only used for brush cutting, the MT7 serves multiple purposes throughout the year. If this article passes, the DPW will purchase a complete boom and brush cutter, sell the John Deere following the procedures for disposing of surplus property.

The proceeds from the sale and the funds authorized through Article #14 of the May 2023 Warrant will be returned to the Town general fund. Proceeds from an insurance payment for the old brush cutter will be applied towards the new purchase.

The Police Station floor has been on the capital list for several years. The existing condition is a safety hazard and the cost for repairs increases each year the project is delayed. The expansion to the 3<sup>rd</sup> floor of the station was anticipated when the station was built and is necessary to accommodate the growing capabilities of the department.

It is an unreasonable risk to rely on a 20-year-old vehicle, already repurposed from another department, to maintain access to the police and fire stations, and serve as the fire department forestry vehicle.

#### SELECT BOARD RECOMMENDATION

Favorable Action (4-0-0)

#### DESCRIPTION

The items listed in this article were recommended by the Capital Improvement Committee based on needs submitted by the Town Departments and are listed in order of importance as ranked by the Committee. Explanations follow:

**DPW Dump Truck** – Funds a used 2011 six-wheel, which will replace Truck #4, which has a blown rear end and a rotting frame.

**DPW Ford F450** – Funds requested to replace a 2006 F450 with a broken frame. This truck will be a 2023 F450 with a dump body and plow.

**Police Flooring** – Funds requested to replace 18-year old VCT tile flooring at the Police Department with rubberized floor and stair treads.

**DPW Mower** – Funds a boom flail mower to attach to a trackless MT& that the Town already owns.

**School Boiler** – Requested to replace a boiler at the Middle School. The Town received an \$85,000 State earmark to assist, lowering the overall request.

**Fire Forestry Truck** – Replacement of a repurposed 2003 Highway truck with a plow to keep three fire stations and the Police Department parking lots clear, as well as to serve as a transport vehicle to fire academy events.

**Town Hall Generator** – Requested to allow Town Hall to be fully powered during outages. Assisted by a \$50,000 emergency preparedness grant.

**Police Detective Station** – To expand the third floor of the PD to fit the growing needs of the Detective Bureau. This request covers the cost of walls, finish carpentry, electrical work, and data connections.

**Library Computers** – Funds requested to replace 14 Library computers that are beyond their useful life as public access terminals.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote under M.G. L. c. 40, §5

## **ARTICLE 5 FUNDING OPERATIONAL COSTS OF THE LEICESTER HIGH SCHOOL CAMPUS AND ASSOCIATED PROPERTIES**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund operational costs for the Leicester High School Campus and associated properties or take any action thereon.

### PROPOSED MOTION

***I move the Town transfer \$500,000 from Free Cash to fund operational costs of the Leicester High School Campus and associated properties.***

### ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 5.

### SELECTBOARD RECOMMENDATION

Favorable Action (3-0-0)

### DESCRIPTION

This article seeks funding for the costs to operate the former Becker College campus, now the Leicester High School Campus, including utilities (for buildings not being used for school use), insurance, repairs, grounds maintenance, and security.

VOTE REQUIRED FOR PASSAGE - Requires a simple majority vote per M.G.L. c. 40, § 5.

## **ARTICLE 6 FUNDING THE CABLE PEG ACCESS BUDGET**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the cable access budget under the direction of the Leicester Cable Access Corporation (LCAC) or take any action thereon.

### PROPOSED MOTION

***I move that the Town vote to appropriate from cable access retained earnings the sum of \$344,807 to fund the FY 2024 Cable Access budget, under the direction of the Leicester Cable Access Corporation (LCAC).***

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 6.

SELECT BOARD RECOMMENDATION

Favorable Action (3-0-0)

DESCRIPTION

The Town serves as a pass-through for franchise fees collected from cable subscribers which support our local cable PEG access service (LCAC). This amount represents the amount of retained earnings in the Cable PEG access account that was certified as excess by the Department of Revenue at the close of Fiscal Year 2023.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

**ARTICLE 7 – ACCEPTANCE OF DEEDS IN LIEU OF FORECLOSURE OF PROPERTIES  
IN TAX TITLE**

To see if the Town will vote to accept deeds in lieu of foreclosure pursuant MGL c.60 sec.77c, said parcels to be known as Parcel 39-A5, a parcel of land consisting of 29.10 acres more or less, as described in the deed recorded at the Worcester District Registry of deeds in Book 32339, Page 234, currently assessed to Conway RJL Realty, and Parcel 39-A5.2, a parcel of land consisting of 2.280 acres more or less, as described in the deed recorded at the Worcester District Registry of deeds in Book 32339, Page 234, currently assessed to Conway RJL Realty; or take any action relating thereto.

PROPOSED MOTION

***Move that the article be accepted as written.***

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (3-0-1)

The Advisory Committee recommends favorable action on Article 7. accepting the two properties in lieu of foreclosure. These two parcels have a combined assessed value greater than the amount owed. This action will result in a savings of staff time and legal costs.

SELECT BOARD RECOMMENDATION

Favorable Action (3-0-0)

DESCRIPTION

These two parcels have been in tax title since 2014, with a total of \$140,469.66 owed (as of 09/25) with per diem interest of \$29.05. The current owners have no interest in redeeming the property. If approved, these properties will become part of the inventory of Town-owned properties or may be sold at a later date. Having Town Meeting accept

the properties allows the Town to take ownership of the property without further legal costs.

VOTE REQUIRED FOR PASSAGE Requires a 2/3rds vote.

#### **ARTICLE 8 – ACCEPTANCE OF MGL CHAPTER 59, SECTION 57A REGARDING TAX BILLS UNDER \$100**

To see if the Town will vote to accept MGL c.59 s.57a which allows the town to issue small preliminary or actual tax bills of \$100 or less to be due and payable in a single installment; Or take any other action relating thereto.

##### **PROPOSED MOTION**

***Move that the article be accepted as written.***

##### **ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 8. Following the processed outlined in MGL C59 §57A will save staff time and processing costs.

##### **SELECT BOARD RECOMMENDATION**

Favorable Action (3-0-0)

##### **DESCRIPTION**

Acceptance of this section of MGL will allow the Town to save postage and printing costs by mailing single preliminary and actual tax bills on properties whose overall tax liability is less than \$100 per year. This would affect 379 tax bills.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote under M.G. L. c. 59 s. 57a.

#### **ARTICLE 9 – AMENDMENTS TO THE PERSONNEL BYLAW**

To see if the Town will vote to amend certain sections of the Personnel Bylaw (Chapter 12 of the General Bylaws) to incorporate updates required by law, reflect current procedures and to implement best modern human resources practices.

Pass any vote and take any action relative thereto.

##### **PROPOSED MOTION:**

Move that the Town vote to adopt the proposed amended Personnel Bylaw, as listed in the Town Warrant:



## **CHAPTER 12: PERSONNEL BYLAW (5-5-79)**

### History of Amendments:

1. Original Adoption @ ATM May 5, 1979
2. Amendment accepted @ ATM (May 4, 2009)
3. (Amended ATM May 6, 2014)-(Nov 17, 2020)
4. (Amended STM November 17, 2020)
5. (Amended ATM May 2, 2023)
6. (Amended STM October 26, 2023.)

### **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:

- **ACTING:** Performing the duties and having the responsibilities of another position on a temporary basis without having officially been appointed to the position.
- **APPOINTING AUTHORITY:** Any person, board, or commission having the power of appointment or employment pursuant to Massachusetts General Laws.
- **BOARD:** The Select Board, serving as 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 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, or a failure of reappointment.~~ "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. Part-time employees include stipend employees who receive a periodic stipend for their services, either monthly, bi-annually, or annually, and intermittent or on-call employees who perform services for the Town on an as needed basis as requested by the Town Administrator or department head.
- **PROBATIONARY EMPLOYEE:** Every Any new employee in the Town shall be whose tenure in the Town service has not exceeded 180 days; such employees have limited rights during this stage of their employment and may be discharged at any point for any legal, non-discriminatory reason, or for no reason at all, at which the level of performance is determined to be unacceptable by the appointing authority. At the end of the probationary period, a written review shall be prepared by the department head which will state whether the probationary employee has performed satisfactorily to be accepted as a regular Town employee. If the performance is not acceptable, the reason or reasons will be stated. The original 180 probationary period may be extended with the written approval of the Town Administrator. ~~{The Personnel Board has not been active for several years. The changes proposed in this bylaw gives the responsibilities of the Personnel Board to the Select Board. Other proposed changes to the bylaw include language changes to allow for uniform calculation of sick and vacation time and extension of the probationary period for new employees from ninety days to one hundred eighty 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 from Sunday to the following Saturday.

### **SECTION 3: SELECT BOARD as PERSONNEL BOARD**

The Personnel Bylaw shall be administered by the Select Board who shall serve the Town as the Personnel Board serving as the Personnel Board.

### **SECTION 4: DUTIES OF PERSONNEL BOARD**

- a) The Board shall review and approve written position descriptions and personnel policies, which shall be drafted by the Town Administrator. 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.

c) The Board ~~may shall~~ review the job classification and compensation plan under its jurisdiction ~~from time to time. at intervals of not more than three (3) years.~~ The Board may review and approve ~~existing job descriptions classifications~~ as drafted by the Town Administrator. ~~No new classification(s) shall be established without a report of the Board, no new classification shall permanently exist until such ratification~~

## **SECTION 5: APPLICATIONS**

a) The provisions of this Bylaw shall apply to all non-bargaining 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. This Bylaw may be used as a guide for authorized officials in determining the compensation of, and personnel policies for those employees that are not specifically governed under this bylaw. Said employee relationship shall neither be for an established duration or for an indefinite period and such employment shall, irrespective of classification or definition, remain at-will, and terminable for any lawful reason at any time.

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, employee handbooks 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 for all positions in Leicester is the Select Board acting as the Personnel Board. ~~shall notify the Board upon selection of or reappointment of an applicant to a position with the Town and shall provide all pertinent information for the records of the Board.~~

## **SECTION 6: APPOINTMENTS**

All part-time employees as defined herein shall be subject to annual appointment or reappointment by the Select Board. If the Select Board fails to annually reappoint said part-time or stipend employee(s), said employee(s) shall continue to serve in their position in a holdover capacity until the Select Board takes action to reappoint or not reappoint said employee(s). No appointment, reappointment or failure to reappoint shall alter the at-will nature of the employment relationship or guarantee the reappointment or continued employment of said employee(s) to a specific period of time.



## **SECTION 67: 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 78: 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 proposal of to amending this Bylaw, or to the application thereof.

## **SECTION 89: 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, or may delegate such responsibility to the Town Administrator.

## **SECTION 910: 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.

**910.1 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 one-fifth (1/5) the total regular weekly scheduled hours x 1¼ for each full month of service.

**910.2 MAXIMUM ACCUMULATION** Full-time and part-time employees may earn and accumulate sick leave up to a maximum of ninety (90) days.

**910.3 USE OF SICK LEAVE** No sick leave with pay shall be granted during the first three (3) 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.

**910.4 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 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.



**910.5 DEDUCTIONS** Any compensated sick leave 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.

**910.6 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.

**910.7 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.

**910.8 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.

**910.9 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 110: VACATION LEAVE**

### **101.1 ELIGIBILITY**

Full-time and part-time benefited employees as defined in this Bylaw shall be entitled to paid vacation in accordance with the following schedule...

The vacation year of the Town shall be the period of July 1 to June 30, inclusive. Any Town employee working twenty (20) or more hours per week will be credited as of June 30<sup>th</sup>, with vacation leave with pay for the subsequent year not to exceed the following:

#### **101.1.1 VACATION LEAVE FIRST YEAR OF SERVICE**

For any employee with less than one (1) years' service, the following schedule will be used to determine vacation for the first fiscal year:

##### **INCLUSIVE HIRE DATES**

From	Through	Vacation Hours Earned (1 <sup>st</sup> years' service only)
Jul 1	Jul 1	2.00 X Weekly Authorized Hours
Jul 2	Aug 1	1.80 X Weekly Authorized Hours
Aug 2	Sep 1	1.60 X Weekly Authorized Hours
Sep 2	Oct 1	1.40 X Weekly Authorized Hours
Oct 2	Nov 1	1.20 X Weekly Authorized Hours
Nov 2	Dec 1	1.00 X Weekly Authorized Hours
Dec 2	Jan 1	0.80 X Weekly Authorized Hours



Jan 2 Feb 1	0.60 X Weekly Authorized Hours
Feb 2 Mar 1	0.40 X Weekly Authorized Hours
Mar 2 Apr 1	0.20 X Weekly Authorized Hours
Apr 2 Jun 30	0.00 X Weekly Authorized Hours

#### **101.1.2 ACCRUAL OF VACATION LEAVE AFTER FIRST YEAR OF SERVICE**

For service after July 1 after the first year of employment up to and including four full years of service completed June 30, vacation leave is two (2) times the weekly authorized hours. If a person enters municipal service on the first working day of a vacation year, that year shall constitute the first of four (4) years completed.

For five (5) through nine (9) years of service, inclusive, completed on June 30 the vacation leave is three (3) times the weekly authorized hours.

For ten (10) through nineteen (19) years of service, inclusive, completed on June 30 the vacation leave is four (4) times the weekly authorized hours.

For twenty (20) years or greater of service, inclusive, completed on June 30 the vacation leave is five (5) times the weekly authorized hours.

One (1) week shall be the total number of regularly scheduled hours between Sunday and Saturday.

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

#### **101.2 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 may be permitted within the probationary period of employment, upon the approval of the Department Head and Town Administrator. ~~commence upon completion of the 180-day probationary period.~~

Vacation leave is not cumulative from year-to-year, except upon the written approval of the Town Administrator. The Town Administrator may, in his/her sole discretion, authorize a carryover of not more than ten (10) days.

The Town Administrator may in his/her discretion may loan unearned vacation time to a probationary or other employee, provided it is understood and agreed in writing by the employee that any used and unearned vacation time will be deducted from the employee's final paycheck(s). The loan of unearned vacation time shall be capped at a maximum of two (2) weeks.

~~**NOTE: There will be a period of adjustment with a higher maximum carryover permitted for FY15 to allow use of previously earned vacation accruals under the previous provisions of this bylaw.**~~

#### **101.43 TERMINATION OF EMPLOYMENT**

Upon termination of employment with the Town, (including but not limited to retirement, resignation, dismissal and/or a failure of reappointment), an employee shall be entitled to payment of all unused accrued vacation credit prorated to the date of separation. Any employee who leaves or separates from Town service while in good standing and/or is not reappointed who is subsequently reappointed by the Town shall upon successful completion



of one-year of service, be given credit for their previous years of service for the purposes of vacation accrual and longevity pay.

#### **101.5 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 at which point accumulation of vacation credit will cease. No vacation credit will accrue while on unpaid leave. Accrual will resume upon return to work.

#### **110.6 RATE OF PAY FOR VACATION LEAVE**

Vacation Leave will be paid at the employee's base pay rate at the time of vacation.

### **SECTION 112: OTHER LEAVES**

#### **112.1 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 ~~certified authenticated~~ copy of the orders issued to him/her and a ~~certified n-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 ~~for reimbursement of the differential set forth herein~~ is ~~forty seventeen (1740)~~ working days, or whatever the current maximum amount is allowed by G.L c. 33, §59.

#### **112.2 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.

#### **112.3 MATERNITY PARENTAL 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-parental leave.

#### **112.4 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 ([29 U.S.C. §2601 et seq.](#)) and the Massachusetts Small Necessities Act ([MGL Chapter 149, §52D](#)). The Select Board may issue such rules, regulations, and policies as may be necessary to carry out these Acts. The Town Administrator shall administer the leave program.

#### **112.5 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 bereavement leave. If submission of documentation associated with the leave, if required by the department head or Town Administrator, is not received within two weeks from the end of the bereavement period, other leave time shall be used in its place. Paid bereavement begins the first day following death and is payable according to the following: ~~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, stepchild, 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, nephew, niece, 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.

#### **112.6 PERSONAL LEAVE**

a. Full-time and part-time benefited employees will accrue personal leave *annually*. This shall be calculated as follows: Eligible employees will accrue 0.75x their average regularly scheduled hours per work week annually.

During the first year of employment each such employee will be eligible for the following Personal Leave:

- Hired between July 1-October 30 – 1.0x annual accrual
- Hired between November 1-February 28(29) – 0.33x annual accrual
- Hired between March 1-June 30 – 0.00x annual accrual

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.