Bristol, SS.

To either of the Constables of the Town of Easton in the County of Bristol:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Easton qualified to vote in elections and Town affairs to meet in the Oliver Ames High School Auditorium in said Easton on Monday, the 4th day of November, next, at 7:00 P.M., then and there to act upon the following articles:

ARTICLE 1. AMENDMENT TO THE TOWN CODE – PERSONNEL BYLAW
To see if the Town of will vote to amend the Code of the Town of Easton – Personnel Bylaw by making the following changes thereto, by deleting the text shown with a strikethrough, and inserting the text shown as underlined.
Chapter 59

PERSONNEL

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Pay Plan

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§ 59-42. Bereavement leave.
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§ 59-44. Jury duty.
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§ 59-47. Paternity leave.
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ARTICLE XI

Clothing Allowance

§ 59-50. Amount and payment

[HISTORY: Adopted by the Special Town Meeting of the Town of Easton 11-14-1988 by Art. 4 (Art. 14 of the 1922 Bylaws). Amendments noted where applicable.]

GENERAL REFERENCES

Contracts and purchasing – See Ch. 11. Records and reports – See Ch. 65.
Sale of personal property – See Ch. 56.

ARTICLE I

General Provisions

§ 59-1. Purpose.

It is the purpose of this chapter to provide to department heads, supervisory personnel and employees the policies and procedures for assuring maintenance of an equitable personnel management system in the Town. The policies and procedures for personnel administration set forth herein have, as their purpose, to promote the efficiency and economy of government, to promote the morale and well-being of Town employees and to promote equal employment opportunity for all candidates.


The personnel policies of the Town are based on the following principles:

A. Recruiting, selecting and advancing employees on the basis of their relative abilities, knowledge and skills.

B. Providing equitable and adequate compensation.

C. Training employees as needed to assure high-quality performance and to promote career development.

D. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected.
E. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, sex, creed, handicap or any other nonmerit factor, except where such factor is a bona fide occupational requirement, and with proper regard for their privacy and constitutional rights as citizens, and prohibiting discrimination against any person on the basis of such nonmerit factors.

F. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

§ 59-3. **Equal employment opportunity.**

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of political affiliation, race, creed, color, national origin, age, sex, handicap or other nonmerit factor is prohibited, except where such factor is a bona fide occupational requirement.

§ 59-4. **Applicability; interpretation.**

The personnel policies contained in this chapter shall apply to all officers and employees, except exempt officials, as defined in Article III of this chapter. The policies are not intended to be all-inclusive. Final discretion as to interpretation and as to the appropriate course of action concerning a personnel matter shall rest with the Town Administrator.

§ 59-5. **Conflict with other laws or agreements.**

A. State Civil Service Law and rules. Nothing contained in these personnel policies shall be construed to conflict with MGL c. 31 where civil service applies.

B. Other state statutes. Nothing in this chapter shall be construed to conflict with any special law enacted for the Town of Easton or any permissive statute accepted by the Town of Easton or any provision of the State Constitution. To the extent that any apparent conflict exists, it shall be determined in favor of the higher state statute or provision of the State Constitution.

C. In the event that a specific provision of this chapter should conflict with a provision of a collective bargaining agreement, adopted in conformance with MGL c. 150E, the provision of the particular collective bargaining agreement shall prevail.

D. Home Rule Charter. Nothing in this chapter shall be construed to conflict with any provision of the Home Rule Charter of the Town of Easton. To the extent that any apparent conflict exists, it shall be determined in favor of the Charter.
ARTICLE II
Administration

§ 59-6. **Personnel Director.**

A. The Town Administrator or designee shall be Personnel Director for the Town of Easton and will impartially and equitably oversee all personnel activities of Town government. He or she may delegate to another or others personnel functions entailed in administering this chapter but shall retain personal responsibility for all such delegated acts.

B. The Personnel Director shall:

1. Prepare and recommend to the Board of Selectmen for its approval a personnel plan and revisions thereto and direct the continuous administration of said plan, in accordance with the provisions of the Town Charter, § C4-2(m).

2. Review for budgetary purposes the annual salaries and associated costs.

3. Direct the recruitment, testing, selection and hiring of employees.

4. Prepare and administer tests, whenever practicable, for all original appointments and promotions in the Town service in conjunction with the appropriate department head.

5. Enforce policies and procedures for personnel administration.

6. Supervise, develop and maintain personnel systems, forms, procedures and methods of recordkeeping.

7. Maintain a roster of all employees in the Town service.

8. Certify, in writing, appointments, promotions, demotions, discipline and other actions.

9. Direct employee orientation, training, counseling and career development in conjunction with department heads.

10. Administate these personnel policies, including the handling of grievances.

11. Evaluate performance evaluation reviews completed by department heads.

12. Perform other lawful acts which are considered necessary or desirable to carry out the purpose of the central personnel system and the provisions of these personnel policies.
Ensure that all employees certify, in writing, that they have received this chapter and all other labor contracts, policies, procedures and rules which affect them.

Assist the Human Resources Board (hereinafter “HRB”) in the performance of its duties under this Chapter.


A. Composition of Board:

(1) The Town shall have a Human Resource Board (hereinafter “HRB”) consisting of three residents appointed by the Board of Selectmen.

(2) No member shall be a member of another board or committee or an officer, official or paid employee of the Town.

(3) At least one member shall have education and/or experience in human resources or labor relations.

(4) The term of office shall be three years, so arranged such that the term of at least one member shall expire each year. The initial membership term shall commence upon the approval by Easton voters at the next annual election of an amendment to Section 4-2(m) of the Home Rule Charter.

(5) Any vacancy in the HRB shall be filled by the Board of Selectmen, and any person appointed to fill a vacancy shall hold office for the unexpired term of the person whom s/he succeeds.

(6) The HRB shall annually elect its own Chair and Vice-Chair. In the absence of the Chair, the Vice-Chair shall act as Chair.

(7) The HRB members shall serve without compensation.

(8) The HRB shall hold meetings at least once per year or at such times as it may determine. Such meetings may be scheduled either by Chair or the Town Administrator.

B. Duties: [Amended 6-12-2006 ATM by Art. 51]

(1) The HRB shall cause to be created a Classification Plan and Salary Plan. They shall prepare a draft request for proposals from consultants with input and advice from the Personnel Director, assist in the review of proposals, make a recommendation to the Board of Selectmen regarding contracting with a consultant to create these plans, and shall approve of the methodology used by

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1 Editor’s Note: Said amendment was approved by voters 1-12-2004 STM, Art. 20.
the consultant in the creation of the plans. They shall submit their recommendations for proposals to the Town Administrator or the Town procurement officer. In the alternative, if a consultant is not hired, the HRB shall create the Classification and Salary Plans.

(2) The HRB shall make recommendations to the Personnel Director as to the implementation and administration of the Classification and Salary Plans (see Subsections C and D below), and shall recommend policies and procedures consistent with those plans, as it deems necessary for the administration thereof.

(3) The HRB shall have access to the payroll/salary records of all Town employees maintained by the Town.

(4) The HRB shall from time to time review the Salary Schedules of the Town employees. It shall keep informed as to pay rates and policies outside the service of the Town and shall make recommendations to the Personnel Director necessary to maintain a fair and equitable pay level.

(5) As frequently as deemed necessary or desirable by the HRB, but not less frequently than every five years, the HRB shall direct, assist with and/or conduct salary surveys regarding collection and analysis of data for comparison between the Town employees Classification and Salary Plans and comparable employees classifications and compensations outside the service of the Town. Based on such surveys, the HRB shall recommend changes or adjustments to the Classification and Salary Plans to the Personnel Director and Board of Selectmen through the Town Administrator.

(6) The HRB may recommend to the Personnel Director an entrance rate higher than the minimum rate for a position, and such other variances in the Salary Plan as it may deem necessary for the proper functioning of the services of the Town, upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the HRB.

(7) To the extent possible, the HRB shall assist the Personnel Director in advising all boards, officers and officials regarding compliance with applicable fair employment practice.

(8) The HRB shall present to the Board of Selectmen, on an annual basis, a report of the Salary Plan containing a summary of the plan, salary ranges and any adjustments to ranges made that year, summary of any wage survey done, summary of performance based increases given, recommendation of guidelines to be used for the pay plan for the next fiscal year, discussion of any off cycle
adjustments recommended and reasons for adjustment. The report shall not include an analysis of the Salary Plan for the year reference to any Exempt Official, including: percentage impact of raises on the budget, average percentage of increases, and distribution of employees falling classifications within various performance levels.

(9) The HRB shall undertake a review of all municipal collective bargaining agreements not subject to the authority of the Easton School Department and provide an analysis to the Board of Selectmen of the comparability of the agreements with Town employees and comparable employees outside the service of the Town.

(10) units, as defined by § 59-10. Nothing in this article, or the Salary Plan, shall be construed to conflict with Chapter 31 of the General Laws or Easton's Home Rule Charter.

C. Classification plan:

(1) A Classification Plan is to be created by the HRB.

(2) The positions classifications of all officers and employees of the Town (whether full-time, part-time, seasonal, casual, special, Civil Service, or others) other than those positions filled by popular election and those under the direction and control of the School Committee, those subject to a collective bargaining agreement entered into pursuant to G.L. c. 150E, and those for whom the General Laws allow the Town to negotiate an employment agreement (e.g., G.L. c. 41, § 108N and 108O) shall be classified by titles and groups listed in classes in the Classification Plan.

(3) The HRB shall maintain written descriptions of the jobs or positions classifications in the Classification Plan, describing the essential characteristics, requirements and general duties of the jobs. The descriptions shall not be interpreted as complete or limiting definitions of any job, and employees shall continue in the future, as in the past, to perform any duties assigned by department heads, supervisors, or other authority.

(4) The HRB, from time to time, shall review the duties of all positions classifications subject to the Classification Plan. Such reviews shall be made at such intervals as the HRB deems necessary and, to the extent which the HRB considers practicable, shall include all classes.

(5) The HRB may recommend to the Personnel Director a new position to the Classification Plan or reclassification of an existing position classification. If the Personnel Director establishes the
classification, the HRB shall assign it to a class consistent with Article IV of this Chapter.

(6) The HRB shall transmit the Classification Plan to the Town Administrator who shall then submit it to the Board of Selectmen for approval pursuant to § C4-2(m) of Easton’s Home Rule Charter. The Classification Plan shall become effective within 30 days after submission once presented to the Board of Selectmen, unless rejected by the Board. The Classification Plan shall be implemented and administered by the Town Administrator.

D. Salary Plan.

(1) A Salary Plan is to be created by the HRB. Such Plan shall provide wage and salary schedules to include minimum and maximum salaries for the groups and positions in each class in the Classification Plan. The salary range of a group for each classification shall be the salary range established for all positions classified in the group class.

(2) The HRB shall transmit the Salary Plan to the Town Administrator who shall then submit it to the Board of Selectmen for approval pursuant to § C4-2(m) of Easton’s Home Rule Charter. The Salary Plan shall become effective within 30 days after submission once presented to the Board of Selectmen, unless rejected by the Board. The Salary Plan shall be implemented and administered by the Town Administrator.


Department heads shall have responsibility to supervise effectively their employees, to report in an approved manner upon the efficiency and performance of their subordinates, to notify the Town Administrator of changes in duties of their employees in order that the Classification Plan will be maintained; and to recommend salary increases. Department heads shall recommend to the Town Administrator, as necessary, desirable changes in the personnel policies and procedures to improve administration of the personnel system. Department heads may establish such rules deemed necessary for the efficient and orderly administration of the department. Such rules must be on file in the office of the Town Administrator before they become effective and must be consistent with these personnel policies and procedures. They may not conflict with any procedures established by the Town Administrator/Personnel Director to fulfill his duties under Easton’s Home Rule Charter or this Chapter. Copies of department rules must be made available in the office of each department head for use by the employees.


It shall be the responsibility of all employees to acquaint themselves thoroughly with the material in these personnel policies and subsequent revisions. Employees are also
encouraged to submit suggestions for changes and improvements in personnel policies and procedures for improvement of the personnel administration.

ARTICLE III
Definitions

§ 59-10. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- **ALLOCATION** - The assignment of an individual position classification to an appropriate class on the basis of kind of work, duties and the responsibilities of the position classification.
- **APPOINTING AUTHORITY** - The person(s) who has the authority, by statute or Town Easton’s Home Rule Charter, to appoint employees and remove employees from their position for good cause.
- **APPOINTMENT** - The placement of a person in a position.
- **CLASS** - A position class shall comprise one or group of positions which more classifications that are sufficiently similar with respect to in the basic character of their duties, and responsibilities and authority that they may properly be designated by the same pay scale, title and minimum qualification requirements can be applied and the classifications can fairly and equitably be treated under substantially the same employment conditions for all other personnel purposes. The same minimum qualification requirements shall be applied to all classifications in a class regardless of the department in which the classification is located.
- **CLASSIFICATION PLAN** - The classification plan comprises a schematic list of classifications supported by written specification setting forth the duties and responsibilities of each class and the minimum qualification requirements that are qualifications necessary for the satisfactory performance of the duties of the class that class. Classifications are allocated to classes based upon an approved job evaluation system.
- **CLASS SPECIFICATION** - The class specification shall state the characteristic duties, responsibilities and desirable qualification requirements which distinguish a given class from other classes. The specification will be descriptive but not restrictive, that is, the class specification shall describe the more typical types of work which may be allocated to a given class but shall not be construed to restrict the assignment of other duties related to the class.
- **CLASS TITLE** - The title assigned to any particular class and used for reference to that class.
- **COMPENSATION** - The salary or wages earned by any employee by reason of service in the position classification, but does not include allowance for expenses authorized and incurred as incidents to employment.
DEMOTION - The movement of an employee from a position classification in one class to a position classification in another class with a lower maximum pay rate.

DEPARTMENT HEAD - Any employee who by virtue of his or her work responsibilities is the primary administrative officer in his or her department and who supervises one or more employees, as indicated on the below list. The Town Administrator, by administrative policy, shall be responsible for annually updating the list of all department heads. [Amended 6-12-2006 ATM by Art. 51]

Collector/Treasurer
Director of Public Works
Fire Chief
Police Chief
Town Accountant

DISCHARGE or DISMISSAL - The permanent, involuntary termination of a person from Town service.

DISCIPLINARY ACTION - An oral warning, written reprimand, suspension, demotion or dismissal taken for good cause by the appropriate authority.

EMPLOYEE - A person occupying an appointive position, or an appointive person who is on authorized leave of absence, who are not exempt officials.

EMPLOYMENT DATE - The date on which an employee commences performance of duties and is placed on the payroll.

EXAMINATION - All of the tests of fitness taken together that are applied to determine the fitness of applicants for position classifications of any class.

EXEMPT OFFICIALS - Elected officials, Town Counsel, persons under the control of the School Committee, members of boards, commissions and committees and all employees whose wages, benefits and working conditions are governed by a collective bargaining agreement.

FULL-TIME EMPLOYEE - An employee who is in an approved, full-time position in Town service which is funded for an entire year.

GRIEVANCE - A misunderstanding or disagreement between an employee and a supervisor that relates to working conditions and relationships or to policies, rules and regulations.

HOURLY EMPLOYEES - Employees who are covered by the minimum wage and hour provisions of the Fair Labor Standards Act.

INCUMBENT - The current occupant of a position.

LAYOFF - The separation of an employee because of lack of work or funds or other reasons not related to fault, delinquency or misconduct on the part of the employee.

LEAVE - An authorized absence from regularly scheduled work hours which has been approved by proper authority.

NON-EXEMPT EMPLOYEES - Employees who are eligible for overtime under the Fair Labor Standards Act.

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2 Editor’s Note: So in original. Should be “who is not an exempt official.”
3 Editor’s Note: The definition of “merit increase,” which immediately followed this definition, was repealed 1-12-2004 STM, Art. 19. See now “performance-based increase.”
PART-TIME EMPLOYEE - An employee whose normal workweek does not exceed 35 hours, or whose average workweek does not exceed 35 hours, and which is funded for an entire year.

PAY PLAN - A schedule of compensation for all classes in the classification plan, including any successive pay rate steps established for each class. All positions allocated to one class will be paid according to the salary range established for that class.

PERFORMANCE-BASED INCREASE - A percentage increase in pay for an employee who meets the eligibility conditions specified in these policies. [Added 1-12-2004 STM, Art. 19]

PERSONNEL ACTION - Any and all activities affecting any aspect of an employee's status which includes appointments and changes in appointments, original hiring, reemployment, transfer, promotion, demotion, changes in hours, reallocation, resignation, suspension, discharge, placement on leave, step increases, etc.

POSITION - A group of current duties and responsibilities assigned or delegated by appropriate authority to one person.

PROBATIONARY PERIOD - A working test period, following an appointment during which an employee is required to demonstrate, by conduct and actual performance of the duties, fitness for the position to which appointed.

PROMOTION - The movement of an employee from a position of classification in one class to a position of classification in another class with a higher maximum pay rate.

REALLOCATION or RECLASSIFICATION - The assignment of a position classified to a class different from the one to which it was previously assigned.

SALARIED EMPLOYEES - Employees who meet one of the definitions for exemption from the minimum wage and hour provisions of the Fair Labor Standards Act.

SALARY – Compensation provided to the employee in accordance with the Salary Plan.

SALARY PLAN - A schedule of compensation for all classes in the Classification Plan, including any successive pay rate steps established for each class. All classifications allocated to one class will be paid according to the salary range established for that class.

SUPERVISOR - Any employee who, by virtue of his or her work responsibilities, exercises control over one or more other employees' job performance, work scheduling or related functions.

SUSPENSION - An involuntary absence without pay imposed on an employee for disciplinary action or pending final outcome of appeal.

TEMPORARY/SEASONAL APPOINTMENT - The appointment of an employee from an eligible list for a period not to exceed six months.

TEMPORARY/SEASONAL EMPLOYEE - An employee appointed from an eligible list for a period not to exceed six months, regardless of the number of hours worked per week.
TOWN AGENCY - A generic term meant to be applied to any department, board, committee, commission or any other body of Town government in which persons are employed.

TRANSFER - The movement of an employee from one position laterally classification to another position of classification in the same class or of another class having the same maximum pay rate involving the performance of similar duties and requiring essentially the same basic qualifications.

ARTICLE IV
Classification Plan

§ 59-11. Purpose.
The purpose of the classification plan is to:

A. Establish desirable qualification standards for recruiting and examining purposes.

B. Provide a means of analyzing work distribution, areas of responsibility, lines of authority and other relationships between positions.

C. Assist in determining budget requirements.

D. Provide a basis for developing standards of work performance.

E. Establish lines of promotion.

F. Indicate training needs.

G. Provide uniform titles for positions.

As used in this article, the following terms shall have the meanings indicated:

CLASS - A class shall comprise one or more positions that are so similar in the basic character of their duties and responsibilities that the same pay scale, title and minimum qualification requirements can be applied and the positions can fairly and equitably be treated under like conditions for all other personnel purposes. The same minimum qualification requirements shall be applied to all positions in a class regardless of the department in which the position is located.

CLASSIFICATION PLAN - The classification plan comprises a schematic list of classes of positions supported by written specification setting forth the duties and responsibilities of each class and the minimum qualifications necessary for appointment to a position of that class. Classes are allocated to classification levels in accordance with an approved job evaluation system.

§ 59-12. RESERVED FOR FUTURE USE)
CLASS SPECIFICATION—The class specification shall state the characteristic duties, responsibilities and desirable qualification requirements which distinguish a given class from other classes. The specification will be descriptive but not restrictive, that is, the class specification shall describe the more typical types of work which may be allocated to a given class but shall not be construed to restrict the assignment of other duties related to the class.


Each classified position is allocated to a class. The Human Resources Board shall create the classification plan. The Personnel Director Each classification is allocated to a class. The HRB shall create the Classification Plan. The HRB shall transmit the Classification Plan to the Town Administrator who shall then submit it to the Board of Selectmen for approval pursuant to § C4-2(m). The Classification Plan shall become effective within 30 days after submission to the Board of Selectmen, unless rejected by them. The Town Administrator shall implement and administer the classification plan. [Amended 1-12-2004 STM, Art. 19]

A. Job analysis. In establishing a new class of positions and in periodic classification reviews, the Personnel Director Town Administrator shall ensure that a job analysis is carried out to determine the essential elements of a class or job classification. The job analysis shall consist of an employee questionnaire to be completed by employees and supervisors in the instance of existing classes or by supervisor and department head in the instance of a newly-created class of positions classification. Completed questionnaires shall be forwarded to the Personnel Director Town Administrator. In the event that additional information is necessary, the Personnel Director Town Administrator shall take such steps as deemed advisable to collect same, including selective job audits. Information collected from all sources shall form the basis for development of proper class specification by the Personnel Director HRB covering all positions classifications in an appropriate class. The Personnel Director Town Administrator shall meet with the employee, if any, as well as the supervisor and/or department head to review the class specification classification prior to final adoption.

B. Job evaluation system. In allocating classes of positions classifications to appropriate classification levels classes, the Personnel Director HRB will utilize an objective job evaluation system, such as: a point factor plan, to address the complexity and level of responsibility of each class of positions in allocating proper classification grade levels for all classes covered in the classification plan Classification Plan. The Personnel Director HRB shall meet with and compare his or her classification classification to that of the employee's supervisor and/or department head and further shall give equal weight consideration to each classification the input of the employee's supervisor and/or department head in determining the final classification class allocation.

C. Classification review. The HRB shall review the duties of all positions class allocations subject to the Classification Plan. Such reviews shall be made at such intervals as the HRB deems necessary and, to the extent which the HRB considers practicable, shall include all classes of positions or the Town
Administrator requests. The HRB may also recommend to the Personnel DirectorTown Administrator a new position/classification or a reclassification of an existing position. The Personnel DirectorTown Administrator shall annually review all classes of positions/classifications in Town service to the end that all classes/classifications are reviewed on a three-year cycle. Incumbent employees, supervisors and department heads may request, in any given year, that a specific class or class/classification(s) be reviewed for applicability to current job conditions and situations and, to the extent possible, the Personnel DirectorTown Administrator will assign priority to such requests. Formal requests for reclassification shall receive priority consideration. There shall be only one reclassification in any twelve-month period for any employee/classification, except in unusual circumstances. In conducting these reviews, the Personnel DirectorTown Administrator shall meet and consult with supervisors and department heads in the same manner as detailed in Subsection B above.

D. Action as a result of classification review. If, as a result of a general classification review or as a result of a request for reclassification, the Personnel DirectorTown Administrator determines that a position or class of positions/classification has changed sufficiently, the position or classHRB will determine whether the classification(s) should be reclassified/regraded (i.e., allocated to a different class), and personnel action shall be initiated to reflect the change as soon as funding is available. If the Personnel DirectorHRB finds that reclassification is not justifiablebe regraded after consulting with supervisors and department heads as outlined in Subsections A through C above, the DirectorHRB will notify the incumbent(s) in writing, and no similar request for reclassification may be submitted within a period of six months. ReclassificationRegrading may result in a position or class of positions being allocated to the same classification/grade level, or being reallocated to a higher or lower level/class. When reclassification results in reallocation to a lower level/class, an incumbent shall not lose current pay and benefits with the exception of longevity pay and pay plan annual increase. This save-pay provision shall not apply to any new appointee or replacement to said position or class. [Amended 1-12-2004 STM, Art. 19]

§ 59-14. Compensation following change in class title.

No employee shall be paid under a change in class title until proper authorization on an appropriate form is signed by the Town Administrator.

ARTICLE V
PaySalary Plan


The HRB shall be responsible for the development of a uniform and equitable pay planSalary Plan, which shall consist of, for each class of positions, minimum and maximum salaries for the groups and positions each class in the Classification Plan. The
salary range of a group for each classification shall be the salary range for all positions classified in the class to which the group.

§ 59-16. Classification is allocated. Maintenance. [Amended 6-12-2006 ATM by Art. 51]

On an annual basis, the HRB shall perform an analysis of the Pay Salary Plan and recommend adjustments accordingly. Such analysis shall include, but not be limited to, a review of increases negotiated with Town labor unions, increases provided in salary plans for comparative positions in comparative jurisdictions, and the increase in the cost of wages as measured by the U.S. Department of Labor's Employment Cost Index (ECI) for State and Local Government. The recommended Pay Salary Plan for the upcoming fiscal year shall be submitted to the Personnel Director by December 15 of each year; the Personnel Director shall transmit the Plan to the Board of Selectmen for approval in accordance with the Town Charter § C 4-2(m).

§ 59-17. Administration. [Amended 1-12-2004 STM, Art. 19]

A. Appointment rates. An employee appointed to a position should normally be compensated at a minimum rate of pay assigned to the class to which the position is allocated. However, original employment at a salary above the minimum rate may be made upon written certification by the Town Administrator that such action is justified by exceptional qualifications of the applicant or by lack of qualified applicants available at the minimum rate under the Town Charter § 5-3, Merit Principle.

B. Pay plan salary review. The pay plan shall be reviewed by the Human Resource Board as frequently as deemed necessary or as requested by the Town Administrator, but not less than every five years.

C. Performance-based increases. Salary increases within an established range are not automatic but require the attainment of a sufficiently high score on an annual performance review. The eligibility date for a performance-based increase shall be on July 1 of each year, provided that the employee has worked at least three full months prior to that date. An employee who reached the maximum of a particular salary range may not receive further increases unless the position is regraded. No employee shall be given any increase that would cause them to be paid above their grade range. An employee on leave without pay shall not count such leave toward service for compensation purposes.

(1) The following factors shall not affect eligibility for a performance-based salary increase:

(a) Overall pay adjustment resulting from a pay survey.

(b) Transfer within class or within range.
(c) Military leave without pay necessitated by a draft or reserve call-up because of a declared emergency up to 90 calendar days.

(d) A period of paid leave.

(e) Reclassification to a class of the same pay range or lower.

(2) The denial of a performance-based salary increase does not necessarily connote less than satisfactory service. To be eligible for a performance-based salary increase, it is expected that an employee is performing at a higher than average level.

D. Performance evaluation. For positions covered by formal performance evaluation, see Article VIII for appropriate policy and procedure.

E. Promotion. Upon promotion, the employee's salary shall be set within the range of the higher class at a point which provides an increase in the employee's previous salary, except that the new salary shall not be more than the maximum rate of the higher classification level.

F. Transfer. When an employee is transferred laterally from a position in one class to a position in another class at the same pay rate, or is transferred with no change in class, she or he shall continue to be paid at the same rate.

G. Reallocation of position to a class in lower pay range. When job evaluation indicates that a position is reallocated to a class in a lower pay range, the current pay of an incumbent is not changed, and said incumbent or incumbents will continue to be eligible for increments up to the maximum of a lower pay range and be eligible for any general pay increases which may be established for all positions in the group affected.
§ 59-18. Hours of work.

A. The following hours of work shall apply to employees in each category:

<table>
<thead>
<tr>
<th>Category</th>
<th>Hours Per Week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaried employee</td>
<td>40</td>
</tr>
<tr>
<td>Hourly employee</td>
<td></td>
</tr>
<tr>
<td>Clerical</td>
<td>35</td>
</tr>
<tr>
<td>Others</td>
<td>40</td>
</tr>
<tr>
<td>Council on Aging van driver</td>
<td>40</td>
</tr>
</tbody>
</table>

[Added 5-7-1990 ATM by Art. 7]

Part-time employee Subject to control of department head

NOTES:
1Schedule is consistent with union employees supervised, or that work in the same department/division.
2Includes a one-half-hour lunch break.

B. It is recognized that the greater work responsibilities of salaried employees may cause them to frequently work greater than 40 hours per week. It is also recognized that salaried employees may use compensatory time and have some work schedule flexibility, both subject to approval of the Town Administrator.

C. It is also recognized that the salaried employee's forty-hour workweek includes a one-hour paid lunch and coffee breaks to be taken at the discretion of the employee.

D. The workweek of the hourly clerical employees does not include a one-hour unpaid lunch break. It does, however, include a fifteen-minute morning coffee break.


A. With the exception of salaried employees, all other nonunion employees shall receive overtime pay as follows:

(1) For those working a thirty-five-hour workweek, overtime in excess of seven hours in a single workday or in excess of 35 hours in a workweek shall be paid at the overtime rate.

(2) For those hourly employees working a forty-hour workweek, overtime in excess of eight hours in a single workday or in excess of 40 hours in a workweek shall be paid at the overtime rate.

B. Salaried employees are eligible for compensatory time off for hours worked in excess of normal workweek hours, when so approved. Approval for all department heads shall be granted by the Town Administrator, and for all others approval shall be granted by the department head concerned.
§ 59-20. **Longevity.**[^3] [Added 6-12-2006 ATM by Art. 51]

Employees shall receive annual longevity payments for their years of continuous service for the Town of Easton, in accordance with the following schedule:

- Upon completion of five years - $350
- Upon completion of 10 years - $400
- Upon completion of 15 years - $450
- Upon completion of 20 years - $500
- Upon completion of 25 years - $550
- Upon completion of 30 years - $600
- Upon completion of 35 years - $650

§ 59-21. **Actual hours worked; limitations.**

For the purpose of this chapter, actual hours worked shall include all time an employee is required to be on duty. It is the intent of this chapter that the supervisor bear the responsibility for notifying the employee of any limitation when work hours exceed normal work hours.

**ARTICLE VI**

Recruitment, Selection and Appointment

§ 59-22. **Policy.**

To assure a high quality of service to the public, selection will be from among the most competent applicants. Selection and appointment to all positions will be based solely upon job-related requirements on the basis of merit and the applicant's demonstration that he/she possesses the skills, knowledge, abilities and other characteristics necessary for successful job performance-evidence of competence and suitability, consistent with the Town Charter § 5-3.-

§ 59-23. **Recruitment procedures.**

A. Defining the job. When a vacancy occurs, the appointing authority will review the functions, duties, responsibilities and minimum qualifications of the position/classification to ascertain whether the job description is still accurate or the job needs to be redefined. If it is determined that a new job description is necessary or that changes to the existing job description are required, the appointing authority will consult with the Personnel Director, who will be responsible for preparing the new/amended job description.

[^3]: Editor’s Note: Former § 59-19, Longevity pay, was repealed 1-12-2004 STM, Art. 19, effective 7-1-2004.
B. Advertising the vacancy. The Town Administrator or designee will be responsible for advising the public of the vacancy. The vacancy will be publicized in such manner as to assure that all interested and qualified individuals, including current employees, are informed of the position classification title, duties, responsibilities and salary range; minimum and special qualifications for the job; the time, place and manner of making application; and any other information which may be useful to applicants. All advertisements shall comply with Massachusetts Commission Against Discrimination (MCAD) affirmative action requirements.


All candidates applying for employment must secure and file an official application form. Deliberate false or misleading statements in the application and deception in attempting to secure employment shall be grounds for rejecting an applicant.

§ 59-25. Selection procedures.

A. Determining examination devices. The Town Administrator or designee shall determine which examining device or combination of devices will be used to evaluate the relative fitness of each candidate for the position.

(1) The devices selected shall relate to the duties and responsibilities of the position and shall fairly appraise and determine the merit, fitness, ability, and qualifications of the applicants.

(2) A variety of devices may be employed, including but not limited to: assessment of training, education and work experience; written, oral and performance tests; structured interviews; and reference checks. Each device utilized will be administered to ensure equity and fairness.

B. The selection process. The selection process will result in a ranking of candidates in order of their relative ability to perform the job.

C. Interview and selection. The appointing authority or designee will interview all qualified applicants, and will notify all candidates in writing and in a timely manner, of their selection or nonselection for the vacant position.

D. Documenting the selection process. A record of the recruiting, examining and appointing procedures used will be retained after the vacancy is filled. This record will include: the job description, vacancy announcements, the applications of all who applied or their names and addresses and the appointing authority's reasons for selection of a candidate.

E. Massachusetts Commission Against Discrimination (MCAD) reporting. The Personnel Director will be responsible for all MCAD reporting.

§ 59-26. Physical examination. [Amended 6-12-2006 ATM by Art. 51]
A preemployment physical examination shall be required for all permanent and seasonal employees prior to appointment. A qualified physician selected by the Town Administrator shall make his or her report on a form provided by the Town. Any such examination shall be at the expense of the Town and shall be reviewed by the appointing authority prior to final determination of the applicant's qualifications for appointment. A psychological examination may also be required.

**ARTICLE VII**
Training and Education

§ 59-27. **Policy.**

It is the joint responsibility of the supervisors, department heads and Town Administrator to foster and promote employee training and education programs for the purpose of improving the quality of service rendered to citizens and aiding employees to equip themselves for advancement in Town service.

§ 59-28. **Educational incentive program.**

Full-time employees shall be entitled to participate in an educational incentive program. Any employee may request reimbursement for a course at an accredited school provided the course is job-related, approved in advance, in writing, by the department head and Town Administrator, and evidence of a passing grade is submitted to the Town Administrator upon course completion.

§ 59-29. **Training for certification or license.**

Where a full-time employee is required to attend a course or to receive instruction in order to maintain a license or registration which is an integral part of the job description and which is a requirement of the continuation of employment in that position, the Town shall reimburse the employee for successful completion of the course or instruction, with the exception of a Class III driver's license.

§ 59-30. **Other training.**

Department heads and supervisors may perceive other training needs, and are obliged to discuss the same with the Town Administrator as a prelude to securing Town Administrator approval of such other training.
ARTICLE VIII
Performance Evaluation

§ 59-31. Purpose.
The Town recognizes the need for a performance evaluation system to:

A. Assess fairly and accurately an employee's strengths, weaknesses and potential for growth.
B. Encourage and guide the employee's development of his or her special skills and work interests.
C. Assure the granting of increases and consideration for more complex work based on performance. [Amended 1-12-2004 STM, Art. 19]
D. Provide a method of improving operational programs through employee input.
E. Identify training needs.

The Town Administrator shall be responsible for the establishment and maintenance of the employee performance evaluation system. Employee evaluation is the continuing day-to-day responsibility of the supervisor. Annually and prior to effecting a performance increase, the supervisor will make a written evaluation of the employee's performance. [Amended 1-12-2004 STM, Art. 19]

A. Six-month informal review. In approximately the sixth month of each fiscal year, each employee's immediate supervisor will conduct an informal review of the employee's work performance for the first half of the fiscal year.

B. Annual evaluation. In the 11th month of each fiscal year, each employee's supervisor shall conduct a formal, written evaluation of the employee's work performance for the entire fiscal year. The annual evaluation shall include a review of the employee's annual goals and objectives and the extent to which those have been completed, as well as other job related factors. The evaluation will also include plans to correct deficient areas and the development of a new set of goals and objectives. This evaluation shall form the basis of any employee merit increase approved.

C. Goals and objectives. As part of the employee performance evaluation system, the Town Administrator is responsible for devising a procedure for the establishment of annual goals and objectives for each employee. This procedure will provide, as a minimum, for the following:

(1) Goals and objectives are drafted by each employee, reviewed by the supervisor and approved, submitted to the Department Head and approved, then submitted to the Town Administrator.
(2) — August/September. The Town Administrator prepares an annual Town-wide goals and objectives statement for the review and approval of the Board of Selectmen, in consultation with other Town boards, committees and commissions.

(3) — September/October. The Town Administrator finalizes and approves each department head's goals and objectives, ensuring that they are consistent with the Town-wide goals and objectives approved by the Selectmen. Each department head ensures that supervisors' and employees' goals and objectives are consistent with the department head's and will contribute toward the completion of department and Town goals.

(4) — November/December/January. Budgets are prepared which will provide the necessary resources to accomplish all goals and objectives.

(5) — May. Following Town Meeting action on budgets, each department head's goals and objectives are reviewed by the Town Administrator and modified as required by budget approvals/disapprovals.

(6) — June. Annual employee performance evaluation of prior year's goals and objectives.

D-C. Coverage and procedure. The coverage and procedure for the implementation of the Performance-Based Salary Increase System, increase system, goals and objectives establishment and annual employee evaluations are set forth in a manual developed and implemented by the Town Administrator.

ARTICLE IX
Disciplinary Actions

§ 59-33. Responsibility of employees and department heads; reasons for action.

A. It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of the Town government.

B. Department head responsibilities. Department heads are responsible for the proper and efficient operation of their departments and for enforcing all policies and regulations. Supervisors are authorized to apply, with the approval of the department head, such disciplinary measures as may be necessary, in accordance with § 59-33 of this article.

C. Reasons for disciplinary action. Disciplinary action may be imposed upon an employee for good cause. The term cause shall include, but not be limited to, the following: incapacity other than temporary illness, inefficiency, insubordination and conduct or actions which interfere with or prevent the Town
from effectively and efficiently discharging its responsibilities tounbecoming the public. The following shall constitute cause for disciplinary action: office.

(1) — Neglect in the performance of the duties of the position to which the employee is assigned.

(2) — Disregard for or frequent violations of Town and departmental policies and regulations.

(3) — Willful misuse, misappropriation, negligence or destruction of Town property or conversion of Town property to personal use or gain.

(4) — Frequent nonexcused tardiness or absence from duty without approval.

(5) — Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a proper supervisor, or similar acts of insubordination.

(6) — Intoxication or use of alcoholic beverages, narcotics, drugs or other controlled substances while on duty.

(7) — Criminal, dishonest or other unsuitable conduct which interferes with effective job performance or has an adverse effect on the efficiency of the Town service.

(8) — Disregard for or frequent violations of Town bylaws or state laws.

D. § 59-34. Procedure.

A. Immediate action. Any supervisor has the authority to send an employee home, with pay, at any time, if, in the supervisor's opinion, sufficient cause for such action exists. In that event, the supervisor shall provide the department head with a written recommendation regarding the appropriate disciplinary action to be taken, with a copy to the Town Administrator.

B. Oral reprimand. Whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not immediately necessary, the supervisor should orally communicate to the employee the supervisor's observation of the deficiency and offer assistance in correcting the deficiency. Whenever possible, sufficient time for improvement should precede formal disciplinary action. When an oral reprimand is given, the supervisor should ensure that the employee's personnel file is documented to show the date of the reprimand and the charge. The employee will be advised that this reprimand will be documented in his or her personnel folder. The documentation of the reprimand and comments in the employee's file will be purged at the end of 24 months.
C. Written reprimand. A written reprimand may be given by a department head, the Department of Public Works Superintendent, the Town Administrator, or the Appointing Authority, for just good cause within 10 days of the date of learning of the behavior giving rise to the reprimand.

A written reprimand shall be addressed to the employee and will include: the charge, the specific behavior and the dates of the behavior (where appropriate) that support the charge, the warning that continuance of this behavior will result in more severe disciplinary action; any circumstances affecting the severity of the discipline; and advise on rights of appeal. A copy of the reprimand shall be signed by the employee and be included in the employee's personnel file. The employee will have five working days from the date of signing the reprimand to submit written comments for his or her personnel file.

(1) Both documents shall be purged from the file at the end of 24 months, if no other disciplinary action of any type has occurred in that time.

D. Suspensions and removals. An employee may be suspended or removed from his or her position by the appointing authority in accordance with the procedures set forth in § C7-11 of the Town Charter.

E. Supervisor defined. For purposes of this section, "supervisor" is meant to be the Town Administrator, any department head, any Superintendent or foreman in the Department of Public Works, or the employee’s appointing authority.

§ 59-35. Appeals.

Any employee aggrieved by any disciplinary action taken by anyone other than the appointing authority may appeal in writing said action within five working days of receiving notification of the action to the Superintendent or Department Head concerned. Appointing Authority, provided, if the Town Administrator is not the Appointing Authority, the aggrieved employee must first file the appeal with the Town Administrator after which the aggrieved employee may file a written appeal with the Appointing Authority, within five working days of the Town Administrator’s decision, if the matter is not resolved by the Town Administrator. The Superintendent or Department Head officer or board hearing the appeal shall investigate the appeal and render a written decision within five working days of his or her final determination. If the employee is not satisfied with the decision at that level, he may appeal, in writing, to the Town Administrator. Said appeal shall describe the discipline imposed, the decision any prior decision on appeal rendered by appeal to the Superintendent or department head the Town Administrator, and the requested relief. All such appeals. The Appointing Authority shall be filed render a decision on the appeal within five working days of receiving the superintendent or department head’s appeal. The decision of the Appointing Authority shall be final.
ARTICLE X
Leave


Leave is any authorized absence during regularly scheduled work hours that is approved by proper authority. Leave may be authorized with or without pay and shall be granted in accordance with this chapter on the basis of the work requirements of the departments and, whenever possible, the personal wishes of the employee. All leave will be reported each week on a standard form and in compliance with a reporting policy established by the Personnel Director.


For all leave other than holiday or sick leave, a written request indicating the kind of leave, duration and dates of departure and return must be approved by the Town Administrator or designee prior to the taking of leave. In the case of disability, injury and emergency leave, the request shall be submitted for approval immediately upon the employee's return to duty. Unless an absence is substantiated by a request approved by the Town Administrator or designee, an employee shall not be paid for any absence from scheduled work hours, and shall be subject to disciplinary action.


A. The following days shall be recognized as holidays and such other days as may be declared holidays for the conduct of public business by the state government:

<table>
<thead>
<tr>
<th>Day</th>
<th>Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year’s Day</td>
<td>Labor Day</td>
</tr>
<tr>
<td>Martin Luther King</td>
<td>Columbus Day</td>
</tr>
<tr>
<td>Washington’s Birthday</td>
<td>Veterans Day</td>
</tr>
<tr>
<td>One-half day Good Friday</td>
<td>Thanksgiving Day</td>
</tr>
<tr>
<td>Patriots Day</td>
<td>Day after Thanksgiving</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>One-half day before Christmas</td>
</tr>
<tr>
<td>Independence Day</td>
<td>Christmas Day</td>
</tr>
</tbody>
</table>

B. Saturday and Sunday holidays. Whenever any of the above named holidays falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be a holiday, unless another day is established by law.

C. Work on holidays. On the designated holidays, employees not otherwise covered by labor agreement shall be excused from all duty not required to maintain essential services. Employees who perform work shall be paid at double their regular rate of pay for hours actually worked on the holiday, in addition to the amount to which they are entitled as holiday pay. Civilian dispatchers, being necessary to maintain essential services, will be required to work holidays when scheduled. Their pay will be their regular amount of pay. In addition, they will receive an additional day's pay or have the option of taking a day off within 30 working days. It is understood that the Fire Chief, Police Chief and Deputy Police Chief routinely work all holidays, and therefore will receive one day's pay in
addition to their regular pay for all holidays in § 10-3 above. [Amended 4-14-1997 ATM by Art. 30; 6-12-2000 STM by Art. 13]

D-C. Holiday during vacation. If a designated holiday occurs while an employee is on vacation leave, no charge for the holiday will be made against vacation leave.


A. Accrued basis.

(1) Full-time employees, other than temporary or seasonal employees, are entitled to accrue vacation each year of their employment on the following basis, calculated as of the anniversary date of full-time employment:

(a) Department heads.

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Vacation Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial hire</td>
<td>1.00 day per month (12 days per year)</td>
</tr>
<tr>
<td>1 to 4 years</td>
<td>1.25 days per month (15 days per year)</td>
</tr>
<tr>
<td>5 to 9 years</td>
<td>1.75 days per month (21 days per year)</td>
</tr>
<tr>
<td>10 to 20 years</td>
<td>2.17 days per month (26 days per year)</td>
</tr>
<tr>
<td>21 or more years</td>
<td>1 day per year, not to exceed 5 additional days beyond the twenty-year amount</td>
</tr>
</tbody>
</table>

(b) All other employees (nonunion).

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Vacation Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial hire</td>
<td>0.83 day per month (10 days per year)</td>
</tr>
<tr>
<td>1 to 4 years</td>
<td>1.00 day per month (12 days per year)</td>
</tr>
<tr>
<td>5 to 9 years</td>
<td>1.50 days per month (18 days per year)</td>
</tr>
<tr>
<td>10 to 20 years</td>
<td>1.91 days per month (23 days per year)</td>
</tr>
<tr>
<td>21 or more years</td>
<td>1 day per year, not to exceed 5 additional days beyond the twenty-year amount</td>
</tr>
</tbody>
</table>

(2) Vacation earned will be credited to an employee's vacation account on the last day of each complete month worked. Vacation may be used only after accrual at rates outlined above. Vacation may be used at any time once accrued and properly approved. Vacation may be used in advance of accrual, up to five days, only after submitting a written request to the department head and Town Administrator, and obtaining approval from both individuals. Any vacation pay received in advance of accrual shall be deducted from an employee's final paycheck, if separation from Town service, for any reason, occurs.

B. Carry-over; buy-back.
Vacations shall not be exchanged for cash except upon termination of employment. [Amended 1-12-2004 STM, Art. 22]

Vacation accrued in one fiscal year may be carried over to a subsequent fiscal year up to five days. Any "minimum" vacation not used as outlined above, will be forfeited.

C. Buy-back at separation. The Town will buy back all accrued vacation at time of employee separation from Town service, for any cause. Vacation time will be bought back at the employee's then-current rate of pay.

D. Vacation scheduling. Vacation will be requested, in writing at least one week prior to usage. Department heads will be responsible for approving all requests for employees in their departments. The Town Administrator will be responsible for approving all requests for department heads, except that a department head may take up to two consecutive vacation days, at any time, without further approval. To the extent possible, department heads and the Town Administrator shall schedule and approve vacation at such times during the year as will best serve the public interest.

E. Part-time employees. Permanent part-time employees shall accrue vacation at the same rates as above, but prorated in the same ratio as their average weekly hours in comparison to 35. Temporary and seasonal employees shall not accrue vacation.

F. Recruitment. The Town Administrator may grant, at the time of initial hire, additional vacation accrual to experienced candidates for department head positions that is commensurate with the length of direct experience and consistent with the vacation accrual offered by the Town.


A. Purpose. Sick leave shall not be considered as a privilege which an employee may use at the employee's discretion, but shall be allowed only in case of actual sickness or disability of the employee, to meet dental appointments, to take physical examinations or for other sickness prevention measures. Sick leave may be taken by any eligible employee unable to work due to pregnancy and conditions relating thereto, childbirth and recovery therefrom.

B. Eligibility. Sick leave shall be available to all permanent full-time and permanent part-time employees. Seasonal, temporary, provisional and emergency employees are not eligible for sick leave.

C. Use and amount. An employee absent on account of illness or injury shall see to it that his or her supervisor is notified as soon as possible before the regular starting time of the workday. Failure to notify the supervisor may result in absence without pay or other disciplinary action. Sick leave may be taken in increments no smaller than one hour.
D. Certification of illness. A request for authorization of sick leave must be completed on the day of return to work. Department heads will authorize sick leave use for all employees in their departments and the Town Administrator will authorize sick leave use for all other employees as well as department heads. For sick leave in excess of three workdays, or if the department head suspects that the employee may be abusing sick leave, the department head may require a certificate from a physician appointed by the Town Administrator stating that such illness prevented the employee from working.

E. Sick leave allowance. A full-time employee shall accrue one day per month of sick leave. Each employee's sick leave account shall be credited on the last day of each complete month of service. Sick leave may be accrued and carried over to subsequent fiscal years without limit. Part-time employees shall accrue sick leave in the same ratio as their average weekly hours in comparison to the category of work performed as defined in § 59-17, Hours of work. Temporary and seasonal employees shall not accrue sick leave.

F. Reporting. Each department head shall file, on forms provided for such purpose, information regarding the accrual and taking of any and all leave, and shall remit the same to the office of the Town Administrator.

G. Separation from Town service.

(1) Upon separation from Town service for any reason except termination for cause, an employee or his heirs is eligible to receive sick leave buy-back pay, equal to 50% of all accrued sick leave credited to an employee's account, up to a maximum of 80 days' pay. Those employees whose accrued sick leave exceeds 160 days shall forfeit any accrued leave over said 160. The buy-back rate shall be equal to the employee's current rate of pay at separation.

(2) Employees hired after July 1, 1995 shall not be eligible to buy back sick leave under the provisions of this subsection, or under the provisions of Subsection H. [Added 6-13-1995 ATM by Art. 43]

H. Annual disposition. An employee may, in June of each year, dispose of accrued sick leave in the following manner:

(1) Exchange for vacation. An employee may exchange his or her accrued sick leave for vacation days, at a rate of two sick days for each vacation day, up to a maximum of 20 vacation days (i.e., 40 sick days). In that event, all vacation days shall be credited to the employee's vacation account for the subsequent fiscal year, and shall be subject to the provisions of § 59-38 of this chapter. A request to exchange sick days for vacation days shall be made in writing and shall occur only after sick time is verified and the exchange noted in the employee's personnel file by the Personnel
Director. In no event, however, may an employee's sick leave account be less than 40 days.  

(2) Sick leave pool. An employee may, at any time, transfer any number of his or her sick days to another employee, not to exceed five days per year. Said transfer shall occur only after the receiving employee has exhausted all accrued sick leave of his or her own, and only after a written request has been filed by the transferring employee. The transfer request shall be verified by the Personnel Director and notation made in both employees' personnel files.

§ 59-41. Occupational sick leave.

An employee injured on the job must report the fact immediately to his supervisor. Injury leave, as distinguished from sick leave, shall mean paid leave given to an employee due to absence from duty caused by an accident, injury or occupational disease that occurred while the employee was engaged in the performance of his or her duties.

A. Most employees are covered by workers' compensation under state statute, and are entitled to benefits under such statute. An injured employee may supplement payments from insurance by taking unused nonoccupational sick leave credits so that he or she will receive full pay during such absence.

B. Any employee on occupational sick leave shall not work at any other job during the period of incapacitation. Violation shall result in discontinuance of any Town benefit and may result in dismissal.

C. During periods of incapacity, employees shall be subject to periodic medical examinations as a condition of continued pay, as directed by the Town Administrator. The purpose of these examinations is to secure periodic medical evaluations of the particular employee.

§ 59-42. Bereavement leave. [Amended 6-12-2006 ATM by Art. 51]

A. The purpose of bereavement leave is to enable an employee to take care of personal arrangements and problems caused by the death of a member of his or her immediate family, and to relieve him or her of the concern over loss of earnings. Full time employees shall be entitled to such leave, without loss of earnings, as follows:

(1) No more than five consecutive regularly scheduled workdays, commencing with the notification of death, for the death of the employee's spouse, child, father, mother, sister, brother, mother-in-law, father-in-law, grandparent and grandchild, and for the death of any relative or significant other living with the employee at the time of death.

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5 Editor’s Note: Former Subsection H2, Exchange for Cash, which immediately followed this subsection, was deleted 6-12-1995 ATM by Art. 42.
(2) No more than three consecutive regularly scheduled workdays, commencing with the notification of death, for the death of the employee's step family (mother, father, sister, brother, child) and foster parent.

(3) No more than one regularly scheduled workday for the death of the employee's brother-in-law, sister-in-law, aunt and uncle.

B. Part-time employees shall be entitled to three consecutive regularly scheduled workdays of bereavement leave under sub-paragraph 1., above, one day of bereavement leave under sub-paragraph 2., above and no bereavement leave under sub-paragraph 3., above.

C. Notwithstanding the limitations provided in paragraph A, above, up to two additional days of bereavement leave may be granted (for both full and part-time employees) at the discretion of the employee's department head; said additional days shall be deducted from the employee's accumulated sick leave and therefore can only be granted if sick leave is available.

D. At the discretion of the department head, four hours of bereavement leave may be granted to attend the funeral of an active employee who is a co-worker (i.e. works within the same department or building).

§ 59-43. Military leave.

A. It is the employee's responsibility to notify his or her department head of the dates he or she is leaving for military service and to provide written proof from military or selective service officials to the department head indicating date of departure and length of service required. A copy of such proof will be filed with the Town Administrator.

B. An hourly employee in the Military Reserve or National Guard shall be paid the difference between total compensation received while on Reserve or Guard duty and regular compensation rates paid the employee by the department, not to exceed 17 workdays in any given twelve-month period.

C. Salaried employees shall receive their regular pay, up to 17 days per fiscal year, during Military Reserve or National Guard service. It is expected however, that a salaried employee will make up the necessary military leave time, during that same fiscal year.

§ 59-44. Jury duty.

A. Any employee summoned to jury duty will be excused from his or her work for the period necessary to perform jury duty. Each employee shall be paid regular wages for the first three days, or part thereof, of jury service.

B. Regular employment shall include part-time, temporary and casual employment as long as the employment hours of a juror reasonably may be determined by a
schedule or by custom and practice established during the three-month period
preceding the term of service of each juror.

C. A salaried employee shall receive his or her regular pay for the entire period of
jury duty.

D. An hourly employee shall receive his or her regular pay, less any compensation
paid by the court for the period of jury duty after the first three days.

§ 59-45. Court time.

A. Any employee required to testify in court pursuant to the duties of his or her job
shall receive full compensation for all hours actually worked.

B. Any employee who is required to attend proceedings in court as a defendant, or as
a witness, other than as part of their regular employment with the Town, shall do
so in an unpaid status. A request for leave without pay shall first be made in
accordance with § 59-47 of this chapter. An employee may also use vacation
leave for this purpose.

§ 59-46. Maternity leave. [Amended 5-7-1990 ATM by Art. 9]

Every female shall be entitled to maternity leave as provided for in MGL c. 149, § 105D,
except that the first six weeks of said leave shall be at the employee's regular rate of
weekly compensation, and female employees who adopt a child under 18 years of age, or
under 23 if the child is mentally or physically disabled, will be entitled to the same
maternity leave that is presently available for female employees who take a leave to give
birth.

§ 59-47. Paternity leave.

Every male employee shall be entitled to one week of paid paternity leave.


Upon approval of the Town Administrator or designee, an employee may be granted
leave without pay for a specified period of time. At the expiration of a leave without pay,
the employee shall return to the position or to a similar position. Failure of the employee
to report promptly at the expiration of such leave shall be considered a resignation. Leave
without pay shall not constitute a break in service. However, during leave without pay,
vacation and sick leave shall not accrue. Copies of any such approved leave shall be on
record in the department and in the office of the Town Administrator.

§ 59-49. Personal leave.

A. An employee may be granted time off with pay to conduct personal business
provided such leave is approved in advance. All employees shall request
approval, in writing, from the department head. All department heads shall
request approval, in writing, from the Town Administrator. A copy of the request
and approval/denial shall be forwarded to the Town Administrator's office and placed in the employee's personnel file.

B. Such personal leave shall not exceed three days in anyone fiscal year and is not cumulative from year to year.

C. Employees donating blood, with the prior approval of their respective supervisors, may be granted leave up to three hours for this purpose.

ARTICLE XI
Clothing Allowance

§ 59-50. Amount and payment. [Amended 6-4-2001 STM by Art. 5; 6-12-2006 ATM by Art. 51]

The Fire Chief, Police Chief and DPW Director will receive a clothing allowance equal to $500 per year to be paid in December of each year.

Submitted by Town Administrator

Explanation: Chapter 59, or the Personnel Bylaw applies only to non-union personnel who are not employed via a contract (Town Administrator and Fire Chief) or employed by the school department. This leaves approximately 12 full-time employees and a number of part-time or occasional employees such as crossing guards, recording secretaries for Boards and Committees, and election workers.

The changes contemplated by this article do not amend the purpose or principles spelled out by the bylaw nor do they propose more than two substantive changes. Nor does it change the material employee benefits such as sick, vacation or personal leave. In general the article makes the following substantive changes:

1. Gives the Town Administrator the authority to call meetings of the HRB if necessary to fulfill its duties and requires the Town Administrator to assist the HRB in the performance of its duties.
2. Reduces the size of the HRB from five members appointed by the Moderator to three members appointed by the Selectmen.

The purpose of these changes are beyond simply ensuring that the committee meets (the HRB has met once in the last five years), but are also intended to strengthen the relationship between the Town Administrator (who by the Town Charter is the Personnel Director), Selectmen, and HRB. The primary work of the HRB (a classification and salary plan) which is reported to the Selectmen and it is ultimately the Selectmen who are accountable to the Town for its content. Therefore, appointment by the Selectmen ought to be an elementary component of the bylaw.

In addition, the article:

1. Deletes inconsistent provisions regarding scope of Chapter 59 (including provisions that purported to cover employees subject to collective bargaining)

59-5(C); 59-7(B)(8-10); 59-7(C)(2); 59-7(C)(6); 59-7(D)(2); 59-38 (C)
2. Resolves conflicts between Chapter 59 and the Town Charter with respect to the responsibilities of the Town Administrator and the Human Resources Board

59-6(B)(14); 59-16

3. Clarifies the responsibilities of the Town Administrator, the Human Resources Board and the Board of Selectmen with respect to the Salary plan, the development of classifications and the evaluation of collective bargaining agreements to be consistent with the Town Charter

59-7(B)(4-8); 59-7(C)(5); 59-7(D)(1); 59-8; 59-13; 59-16

4. Clarifies provisions that give the appearance of intruding upon the privacy rights of employees

59-7(B)(3)

5. Clarifies incorrect or inconsistent terminology and definitions

59-7(C)(3-5); 59-10 – 59-12; 59-13; 59-15 – 59-17; 59-23; 59-25

6. Make Chapter 59 consistent with the Town Charter with respect to the standard for separation from employment and the application of merit principles

59-17; 59-22; 59-25; 59-26; 59-33

7. Other changes consistent with good human resource practices

59-32(A, B); 59-34; 59-40(F)

8. Simplify the appeals process

59-35

All of the changes proposed in this article were drafted and approved by the Town’s labor counsel.

Selectmen Recommendation: Recommended

Finance Committee Recommendation:

ARTICLE 2. SHOVEL SHOPS OPEN SPACE AREAS – ACCEPTANCE OF ADDITIONAL PARCEL
To see if the Town will vote to include the Additional Parcel, known as 13 Oliver Street, conveyed by the Massachusetts Electric Company to BC Shovel Works LLC and as fully described in the Quitclaim Deed recorded at the Bristol County North Registry of Deeds at Book 20835, page 308, as part of Open Space Area 1, pursuant to Section 10 of a certain Conservation Restriction granted by BC Shovel Works LLC to the Town of
Easton on April 11, 2012, and recorded in the Bristol County North Registry of Deeds at Book 20083, Page 200; and take any other action relative thereto.

Submitted by Board of Selectmen

Explanation: This article is the final step in adding an Open Space Area to the Conservation Restriction granted by BC Shovel Works LLC to the Town of Easton. The Conservation Restriction was one of the conditions of the authorization to use Community Preservation Act funds for the Ames Shovel Works project. That condition further required BC Shovel Works LLC to negotiate with Massachusetts Electric to acquire this parcel because it would provide a more geometrically pleasing configuration of the open space covered by the Conservation Restriction and available for public passive recreational use. The Massachusetts Electric Company conveyed the Oliver Street parcel to BC Shovel Works LLC on February 7, 2013.

Selectmen Recommendation: Recommended

Finance Committee Recommendation: Recommended

ARTICLE 3. AMENDMENT TO TOWN CODE, PEDDLING & SOLICITING, CHAPTER 175-4B
To see if the Town will amend its General Bylaws, Chapter 175 Peddling and Soliciting, by revising subjection 175-4.B, which presently reads:

“No person shall solicit in the Town of Easton before 9:00 a.m. nor after 9:00 p.m.

So that, as revised, it reads as follows:

“No person shall solicit in the Town of Easton before 9:00 a.m. or after dusk.”

Submitted by Chief of Police

Explanation: The present solicitor’s bylaw allows for door to door salespeople to solicit during the hours of 9am until 9pm. The police receive numerous complaints from concerned residents when unexpected salespeople are knocking at their door after dark. Having solicitors stop at dusk alleviates some of the fear and alarm for our residents and also is safer for the solicitors since they are not walking in the dark.

Selectmen Recommendation: Recommended

Finance Committee Recommendation: Recommended

ARTICLE 4. GRANT AN EASEMENT TO NATIONAL GRID (MECHANIC STREET)
To see if the Town will vote to authorize the Board of Selectmen to grant an easement to National Grid to facilitate the installation, operation and maintenance of an overhead/underground electrical distribution system at 36 Mechanic Street, Easton MA as described in easement documents on file with the Town Clerk’s Office, 136 Elm
Street, Easton, MA to be recorded at the Bristol North District Registry of Deeds, or take any action relative thereto.

Submitted by Board of Selectmen

Explanation: The easement is necessary to install utility poles and electrical service to the Municipal Parking Lot located at 36 Mechanic Street for the operation of a municipal street lighting system and a sanitary sewer pumping station.

Selectmen Recommendation: Recommended

Finance Committee Recommendation: Recommended

ARTICLE 5. INVESTMENT GRADE ENERGY AUDIT
To see if the Town will vote to raise by borrowing or transferring from available funds, or otherwise and appropriate, a sum not to exceed $40,000, said sum to be expended by and under the direction of the Town Administrator for the costs of an investment grade energy audit to be conducted for the purpose of developing an energy infrastructure and renewable energy program. Under such program the Town would purchase infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Town-owned buildings, under which the funds to pay for these items will ultimately come from grants, rebates and savings derived from energy conservation measures, or take any other action relative thereto.

Submitted by Board of Selectmen

Explanation: The Town is currently in the process of entering into a comprehensive Energy Savings Performance Contract. The cost of the energy savings improvements, including the cost of the investment grade audit, are anticipated to become part of an single contract in which funding for the improvements described in the article will be provided through guaranteed energy savings. This article provides funding for the Investment Grade Audit in the event that the Town does not enter into an Energy Savings Performance Contract with the selected contractor.

Selectmen Recommendation: Recommended

Finance Committee Recommendation: Recommended

ARTICLE 6. INCREASE WATER APPROPRIATION FOR NORTH EASTON VILLAGE INFRASTRUCTURE PROJECT
To see if the Town will vote to appropriate the sum of $75,000 from water surplus for additional water costs related to the North Easton Village Infrastructure Project, or take any other action relative thereto.

Submitted by Board of Selectmen

Explanation: A Utility-related Abatement Measure associated with a release of petroleum discovered during water main installation at Mechanic Street will require supplemental funding in order to keep other planned water main projects on schedule.
Selectmen Recommendation: Recommended

Finance Committee Recommendation: Recommended

**ARTICLE 7. REPLENISHMENT OF CPA FUNDS**
To see if the Town will vote to transfer available funds in the amount of $500,000 received as a grant from the State’s LAND Grant Program into the Community Preservation Fund, or take any other action relative thereto.

Submitted by Community Preservation Committee

Explanation: The Town of Easton received a $500,000 reimbursement grant award from the State through the Local Acquisition for Natural Diversity Grant Program to acquire a Conservation Restriction on the Governor Ames Estate. The project was funded with CPA funds. Subsequently, the project has been completed and the Town has received the reimbursement monies totaling $500,000. This Article asks the Town to vote to use the grant reimbursement to replenish the CPA funds used to conduct the survey.

Selectmen Recommendation: Recommended

Finance Committee Recommendation: Recommended

**ARTICLE 8. TRANSFER TO STABILIZATION FUND**
To see if the Town will vote to appropriate by transfer from free cash the sum of $250,000 to be placed into the Stabilization Fund, or take any other action relative thereto.

Submitted by Board of Selectmen

Explanation: This transfers a portion of free cash and is proposed as part of the on-going goal to build up reserves.

Selectmen Recommendation: Recommended

Finance Committee Recommendation: Recommended

**ARTICLE 9. MOREAU HALL ROOF REPLACEMENT/REPAIR AND NEW BOILERS**
To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds or authorize borrowing pursuant to the provisions of M.G.L. Ch. 44 or M.G.L. Ch. 70B or any other enabling authority, the sum of $1,500,000 to be expended under the direction of the Municipal Building Committee for the purpose of replacing and/or repairing the roof and boilers at Moreau Hall Elementary School including architectural and engineering expenses and other costs incidental and related thereto, which proposed repair Project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting required educational programs, and for which the Town may be eligible for a school construction grant from the
Massachusetts School Building Authority ("MSBA"). The Town Acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty and seventy nine hundredths percent (50.79%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA. And further, that the Board of Selectmen and School Committee shall be authorized to apply for and accept any federal or state grants which may be available for the project and take any other action necessary to carry out said project, or to take any other action relative thereto.

Submitted by Town Administrator

Explanation: The Massachusetts School Building Authority has invited the Town to participate in their expedited repair program, which will reimburse the Town approximately 50% for this project. Moreau Hall opened in 1962 and was previously the living quarters for priests at Stonehill College. The boilers are the original ones from 1962 and the roof is over twenty-five years old. This MSBA grant will greatly reduce the Town's share of costs and the impact on operating budgets.

Selectmen Recommendation: Recommended

Finance Committee Recommendation: Recommended

ARTICLE 10. SUPPLEMENT FISCAL YEAR 2014 BUDGET
To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds the sum of $623,731 to supplement the following fiscal year 2014 departmental budgets, or take any other action relative thereto.

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPW Administration</td>
<td>$ 33,404</td>
</tr>
<tr>
<td>School Department</td>
<td>390,327</td>
</tr>
<tr>
<td>Veterans</td>
<td>40,000</td>
</tr>
<tr>
<td>Sewer Enterprise Fund</td>
<td>160,000</td>
</tr>
</tbody>
</table>

Submitted by Board of Selectmen

Explanation: This article will adjust the FY14 budget to make adjustments for several departments which require additional funding. The DPW budget requires a transfer from the collective bargaining reserve set aside in the FY14 budget for contractual costs not previously allocated for the fiscal year. The School department needs additional funding for increased special education costs and for reimbursement of time sensitive feasibility expenses ($40,000) required to apply for grant funding for roof and boiler replacements at Moreau Hall. The Veterans budget needs additional funding to reflect an increase in benefits provided, 75% of which shall be reimbursed by the state in the subsequent fiscal year. The Sewer Enterprise Fund needs an additional appropriation for debt service on sewer construction which shall be funded from sewer betterment revenues. Anticipated funding at this time is $184,550 from taxation, $245,777 from free cash, $33,404 from the
collective bargaining reserve in the FY14 Employee Benefits and Insurance Budget and $160,000 from sewer betterment revenues.

Selectmen Recommendation: Recommended

Finance Committee Recommendation: Recommended

ARTICLE 11.
To transact any other business that may legally come before said meeting.
You are directed to serve this Warrant by posting attested copies thereof one at each meeting house and post office and one at the Oliver Ames High School Auditorium and one at the Town Offices, fourteen days at least before the time of holding said meeting.

Given under our hands this 7th day of October the year Two Thousand Thirteen.

[Signatures]

Colleen A. Corona, Chair
Daniel J. Murphy
Todd M. Gornstein
Dottie A. Fulginiti
Daniel W. Smith

EASTON BOARD OF SELECTMEN

Easton, Mass

By virtue hereof and as within directed, I have this day posted attested copies of this Warrant.

______________________________, Constable of Easton
### OFFICIAL PROCEDURES TO BE USED AT TOWN MEETING
Approved - Town Meeting - May 1978

1. **Main Motion:** Debatable
   - When a motion has been made, seconded and stated by the Chair, the assembly is not at liberty to consider any other main motion until this motion has been disposed of.

2. **Motion to Amend:** Majority Vote Required Debatable
   - This motion is to change, add, or omit words in the original main motions.

3. **Motion to Amend the Amendment:** Majority Vote Required Debatable
   - This is a motion to change, add, or omit words in the first amendment.
   - **Method of Vote:** The first vote is on changing words of second amendment. If the first vote adopts the change, the second vote is on the first amendment as changed or amended. The third vote is on adopting the main motion as changed or amended.

4. **Motion to Commit or Refer:** Majority Vote Required Debatable, Amendable
   - When a motion becomes involved through amendments or when it is wise to investigate a question more carefully, it may be moved to commit or refer the motion to a committee for further consideration.

5. **Motion to Close Debate:** 2/3 Vote Required Not Debatable
   - When debate does not seem to be shedding additional light on a question, you may move to end it by calling the question: "Mr. Moderator, I call the question." You must be recognized by the Chair before making this motion. As soon as this Motion is made, debate ceases and a vote on closing debate is taken.
   - If the motion is carried, a vote is immediately taken on the question under consideration.

6. **Motion to Reconsider:** Majority Vote Required Debatable
   - This motion must be made the same day as the original motion was carried or defeated. "A vote can be reconsidered only once."

7. **Motion to Adjourn:** Majority Vote Required Debatable
   - This motion is always in order except (a) when a speaker has the floor, (b) when a vote is being taken, (c) after it has just been voted down (d) when the assembly is in the middle of some business which cannot be abruptly stopped. A definite time and place must be set.

   **MISCELLANEOUS MOTIONS**

These motions (or questions) are not necessarily related to the Main Motion and do not fall within the order of precedence. They may be made as appropriate or necessary.

1. **Question of Privilege:** A motion unrelated to the business taking place, e.g. "Question of privilege, please! It is too noisy. I request that the Chair ask that all talking be stopped."

2. **Point of Information:** Motion used to ask a question or obtain clarification of facts pertaining to the motion at hand. "Point of information, please! What would be the cost to repair this piece of machinery rather than replace it?" There is no vote or debate. The Chair provides the information sought.

3. **Point of Order:** This motion is always in order but can be used only to present an objection to some method of parliamentary procedure. "Mr. Moderator, I rise to a point of order!" Then the objection is stated. There is no vote or debate and the Chair immediately rules on the point of order.

4. **Point of No Quorum:** This motion requires no second and is not debatable. No other motion may be applied to it. It may not be used to interrupt a speaker. When the point is properly raised, the Moderator must then ascertain whether or not a quorum exists.

5. **Secret Ballot:** At any Annual or Special Town Meeting when any article is put to the meeting for a vote, if a voter stands to request a secret ballot, he shall be promptly recognized by the Moderator and if on inquiry by the Moderator such voter is joined by at least 29 other standing voters, the Moderator shall automatically order a secret ballot without a debate.