



Town of South Hadley Workplace Policy Manual

Amended, August 2017

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1. DOMESTIC VIOLENCE LEAVE

As of July 31, 2014, Massachusetts' new Domestic Violence Leave Law requires employers with 50 or more employees to give up to fifteen (15) days of leave to domestic violence victims.

“An Act relative to domestic violence” (the Act) is a comprehensive domestic violence bill. It mandates leaves of up to fifteen (15) days for employees if the employee or a family member of the employee is a victim of domestic violence and needs time off to address issues directly related to the domestic violence. The Act went into effect immediately upon passage. In addition to its workplace provisions, it creates new criminal offenses relative to domestic violence, boosts domestic violence prevention efforts and provides support to domestic violence victims and their family members.

A. What leave does the law provide?

1. Up to fifteen (15) days of leave in any twelve (12) month period.
2. The employer has the sole discretion to determine whether the leave shall be paid or unpaid.
3. The employer may require an employee seeking leave to exhaust all annual vacation, personal and sick leave available to the employee prior to requesting or taking leave.

B. When is a leave triggered?

An employee is entitled to leave if:

1. The employee, or a family member of the employee, is a victim of domestic violence.
2. The employee is using the leave from work to address issues directly related to the domestic violence against the employee or family member of the employee.
3. The employee is not the perpetrator of the domestic violence against such employee's family member.

C. What constitutes domestic violence?

“Domestic violence” is defined as “abuse” against an employee or the employee's family member by:

1. A current or former spouse of the employee or the employee's family member.
2. A person with whom the employee or the employee's family member shares a child in common.
3. A person who is or has co-inhabited with the employee or the employee's family member.

4. A person who is related by blood or marriage to the employee.
5. A person with whom the employee or employee's family member has or had a dating or engagement relationship.

D. What constitutes abuse?

"Abuse" includes:

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

E. What qualifies for a leave request?

Leave may be used for the following:

1. To seek or obtain medical attention, counseling, victim services or legal assistance.
2. Secure housing.
3. Obtain a protective order from a court.
4. Appear in court or before a grand jury.
5. Meet with a district attorney or other law enforcement official.
6. Attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee.

F. Who is a family member?

An employee's family member includes a spouse, domestic partner, individuals having a child in common, parent, child, sibling, grandparent or grandchild.

G. How is leave administered?

Similar to the FMLA, employees must request the leave in advance from Human Resources (unless there is a threat of imminent danger).

Employers may require an employee to provide documentation evidencing that the employee or the employee's family member has been a victim of abusive behavior.

In the case of a scheduled leave, the employee must provide the same amount of

notice as is required by the employer's other leave policies.

In the case of unscheduled leave, an employee (or employee's representative) must notify the employer within three (3) work days that the leave was taken or is being taken pursuant to the law and an employer may not take negative action against the employee for an unscheduled absence if within thirty (30) days from the unauthorized absence, the employee provides sufficient documentation evidencing the need for the leave.

The form of documentation that an employer must accept as sufficient evidence is specifically listed in the language of the legislation. All information related to the employee's leave must be kept confidential by the employer and may only be disclosed in very specific circumstances.

The documentation provided to the employer may only be maintained in the employee's employment record for as long as required for the employer to make a determination as to whether the employee is eligible for leave.

2. EMPLOYEE APPEARANCE

Employees are expected to observe business standard dress code for appropriate and professional appearance commensurate with job responsibilities.

Department heads are responsible to determine appropriate appearance.

Administration may allow appropriate casual dress.

3. HARASSMENT AND SEXUAL HARASSMENT

It is the goal of the Town to promote a workplace that is free of discriminatory harassment ("harassment") of any type, including sexual harassment. Harassment or bullying on the basis of age, race, color, national origin, sex, religion, sexual orientation, genetics, military status, ancestry, or disability, is prohibited by state and/or federal law, and will not be tolerated by the Town. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law.

All Town employees are responsible for insuring that the work place is free from all forms of harassment. This policy applies to all employees and officers of the Town. Supervisory and managerial employees must not condone acts of harassment by their subordinate employees, by other Town employees, by visitors to Town offices, or by employees of Town vendors and contractors. Harassment of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment, is unlawful and will not be tolerated. Retaliation against persons complaining about harassment or sexual harassment, or retaliation

against individuals for cooperating with an investigation of a harassment complaint, is also unlawful and is prohibited by this policy. Harassment in retaliation for formal or informal participation in filing an internal or external complaint of discrimination or otherwise raising a concern regarding discrimination will also not be tolerated

A. Harassment Defined

Harassment in General: Harassment is unwelcome verbal or physical conduct, directed at an individual based upon age, race, color, national origin, sex, religion, sexual orientation, genetics, military status, or disability, which disrupts or interferes with another's work performance, or which creates an intimidating, offensive, or hostile environment. A pattern of harassment cannot be defined by a single incident.

Sexual Harassment: In Massachusetts, the legal definition for sexual harassment is this:

1. "Sexual harassment means sexual advances, requests for sexual favors, and verbal, or physical conduct of a sexual nature when:
 - a) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions.
 - b) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with the individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment."

Under this definition, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually orientated conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment.

B. Prevention of Harassment

The Town subscribes to the concept of a safe work environment and supports the prevention of harassment. Prevention efforts include, but are not limited to: informing employees of this policy on an annual basis, training employees regularly, communicating the sanctions imposed for violating this policy, and

providing a reporting hierarchy within which to report incidents of harassment without fear of reprisal. Because the Town of South Hadley takes allegations of harassment seriously, the Town will respond promptly to complaints of harassment. Where it is determined that inappropriate conduct has occurred, the Town will act to eliminate the conduct and impose such corrective action as is necessary, including discipline where appropriate.

H. Persons Covered

This policy prohibits harassment of all employees, including non-supervisory, supervisory, management and executive personnel, volunteers and all applicants for employment.

C. Procedure

1. Complaint

- a. Any employee who believes that he or she has been subjected to harassment prohibited by this policy has a responsibility to report the harassment as soon as possible to Human Resources, South Hadley Town Hall, 116 Main Street, Room 103, South Hadley, MA 01075; phone: 413-538-5017 (ext.129). If Human Resource personnel is the source of the harassment, or there are other compelling reasons that prevent bringing the problem to the attention of this individual, then the employee may report the harassment to the Town Administrator. Human Resources is also available to provide information about the Town's policy on harassment, as well as the complaint process.
- b. A complaint may be made verbally or in writing. The Town may require that a verbal complaint be reduced to writing with the assistance of the Human Resources, or other person designated by the Town.
- c. Any supervisor, manager or other employee who becomes aware of harassment prohibited by this policy must immediately report it to Human Resources.

2. Investigation

- a. All complaints of harassment will be investigated promptly and impartially by the Assistant Town Administrator or by another qualified individual selected by the Town.
- b. An individual conducting an investigation into a complaint of harassment will keep information as confidential as possible, and disseminate it on a "need to know" basis only. Others involved in the investigation in any capacity must also respect the privacy of those involved by keeping information learned during the course of the investigation confidential.

- c. Ordinarily, as circumstances permit, the Town's investigation will include private interviews with appropriate individuals, such as the complainant, the employee alleged to have committed harassment, and with witnesses, if any.
- d. As soon as practicable after the completion of the investigation, the official responsible for conducting the investigation will, to the extent appropriate, advise the employee who brought the harassment complaint and the employee accused of harassment of the results of the investigation.
- e. If either employee is dissatisfied with the handling or result of the investigation, the employee should bring the matter immediately to the Town Administrator, preferably in writing, stating the reasons for that dissatisfaction.

3. Action

Anyone who is found, after investigation, to have engaged in harassment prohibited by this policy will be subject to disciplinary action up to and including discharge from employment. This policy shall not limit the authority of the Town to take disciplinary action against an employee who engages in inappropriate conduct, regardless of whether it satisfies the definition of harassment or sexual harassment under this policy.

4. Retaliation Prohibited

No one who brings a harassment complaint in good faith will be subject to any adverse employment action for doing so, regardless of whether the complaint is ultimately determined to have merit. Any employee, including supervisors and managers, who retaliate against an employee for making a complaint of harassment will be subject to disciplinary action, which may include termination of employment. Retaliation should be reported to management using the procedure set forth in this policy for complaints of harassment. The Town will take all reasonable steps to protect the complainant.

State and Federal Remedies

In addition to the above, if you believe you have been subjected to harassment of any type, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of these agencies requires that claims be filed within 300 days from the alleged incident of when the complainant became aware of the incident.

The United States Equal Employment Opportunity Commission (EEOC)
JFK Federal Building
475 Government Center
Boston, MA 02203
(617) 565-3200
(800) 669-4000
www.eeoc.gov

The Massachusetts Commission Against Discrimination (MCAD)
Boston Office: Springfield Office:
One Ashburton Place, Room 601 436 Dwight Street, Room 220
Boston, MA 02108 Springfield, MA 01103
(617) 994-6000 (413) 739-2145

4. MUNICIPAL BUILDING PET POLICY

The Town of South Hadley is responsible for assuring the health and safety of all employees and all visitors to Town owned facilities. In keeping with this objective, the Town of South Hadley does not permit employees to bring household pets to their workplace. Visitors to municipal buildings are not allowed to bring their pets into the building, as well. Animals may pose a threat of infection and may cause allergic reactions in employees and/or visitors. Some employees and/or visitors may feel threatened or be distracted by the presence of animals. In addition, the Town of South Hadley wishes to prevent pets from fouling the office space or damaging municipal property.

An employee and/or visitor who requires the help of a service animal (defined by 28 CFR 36.104 as "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability") will be permitted to bring a service animal to the office, provided that the animal's presence does not create a danger to others and does not impose an undue hardship upon the municipal operation.

5. TECHNOLOGY USE

The term, technology, covers a wide range of processes used for communicating information within our society. Computers form one element of this broad term but it also includes video resources, cameras and recording devices, telephones, cell phones and smart phones, tablets and various social media outlets and tools. Town computers, computer files, e-mail systems, Internet access, telephones, cell phones and smart phones, software and/or other technology furnished to town employees are the property of the Town of South Hadley. All technology provided by the Town shall be for Town business only.

Employees may use the Internet service provided by the Town during their non-working hours provided they adhere to all of the following regulations. All information and communications on Town equipment is considered Town/Public information and may be viewed at any time by management.

The users of the Town's network are responsible for respecting and adhering to local, state, federal and international laws. Any attempt to break those laws through the use of the network may result in litigation against the offender by the proper authorities and where appropriate, disciplinary action. If such an event should occur, the Town will fully comply with the authorities to provide any information necessary for the litigation process.

To the extent an employee uses his/her personal device to create Town records, those records must be transferred to the Town network/system as soon as possible. Employees who use their own personal technology device(s) to conduct Town business must provide the Town with access to these records and/or device(s) should the need arise.

Duplication or installation of unauthorized software is prohibited. Software that is not purchased/licensed by the Town is considered unauthorized.

This policy applies to every employee, board member (elected or appointed), contractor or remote user who is provided access to the Town's computers and network resources.

Any unauthorized, deliberate action, which damages or disrupts a computing system, alters its normal performance, or causes it to malfunction, is a violation, regardless of system location or time duration.

The following technology and computer-related activities are prohibited but not limited to:

- a. Use of systems and/or networks in attempt to gain unauthorized access to remote systems or to connect to other systems, in violation of the physical limitations of the local/remote system.
- b. Unauthorized use of network "sniffers" or other network analysis tools.
- c. Decryption of system or user passwords.
- d. The copying of system files.
- e. Illegal duplication of software or violation of copyright law by the duplication or sharing of software, or the distribution of copyrighted materials.
- f. Intentional attempts to "crash" network systems or programs.
- g. Attempts to use a password, access a file, or retrieve a stored communication that is not normally accessible to the employee.

- h. The willful introduction of computer “viruses” or other disruptive/destructive programs into the Town’s network or into external networks.
- i. Use of abusive or objectionable language or content in either public or private messages.
- j. Activities that are libelous and/or amount to sexual, racial or other forms of harassment.
- k. Using a Town e-mail address when posting to public forums, e.g. blogs, social media sites, wikis and discussion lists for personal use.
- l. Excessive use of social networking sites for personal use.
- m. Use of cameras or digital/audio recording devices to capture or record content without the permission or knowledge of the subject(s) being recorded.
- n. Creating and/or distributing to members of the public, non-public information or files such as draft reports, confidential information or information without proper authorization and, where necessary, proper protection.

NOTE: If any of the above-prohibited uses is required for a legitimate business reason, an exception may be requested in writing to management, and the request will be reviewed to determine whether an exception should be granted.

A. Internet Access and Use

Internet access through the Town-provided network is intended for business use, including finding vendor information, government information, research, and communicating with colleagues and residents for government-related purposes. All Internet usage will be monitored.

The Town allows users the privilege of Internet access for limited personal use, such as looking at home pages and sending e-mails to friends. This privilege of personal use of the Internet is subject to the terms and conditions established by the Town herein, and as they may be amended from time to time, and may be withdrawn in the future, with or without cause, in the discretion of Town management.

Town owned technology resources may be used for personal purposes on a limited basis, providing the following requirements are met:

1. No marginal cost to the Town
2. No interference with work responsibilities
3. No disruption to the workplace.

Any personal use of the Internet must be on the employee’s own time.

At no time may the Internet be used for any type of commercial use, or to transact non-governmental business. The use of the Internet to solicit or proselytize others for commercial ventures, religious or political causes or outside organizations or for personal gain is prohibited. At no time may users access inappropriate web sites, such as those hosting pornography, obscene materials or gambling enterprises.

The use of any element of the Town's computer system, including Internet access, for the receipt or transmission of information disparaging to others based on race, national origin, sex, sexual orientation, age, disability, or religion is not permitted under any circumstances.

Users are not permitted to download executable files from the Internet unless previously approved by the network administrator.

B. Copier Use

Copiers are for the use of Town employees, solely for official business. Personal use is a violation of the MA Conflict of Interest Law.

C. Electronic Mail (e-mail) Access and Use

E-mail is an effective tool for sharing and disseminating information. Since the Town's e-mail system is linked to Internet systems, users can communicate with colleagues in state agencies, vendors and residents. This electronic communication promotes better information exchange between peers and residents.

As with all of the Town's assets, the e-mail system is intended to be used for work-related purposes, and in ways consistent with the Town's overall policies. The system may not be used in any way that is disruptive to the operation of the Town or offensive to others. Email and Internet access should be used in such a way that all transmissions, whether internal or external are accurate, appropriate, ethical and lawful.

The use of e-mail for the transmission of information disparaging to others based on race, national origin, sex, sexual orientation, age, disability, or religion is not permitted under any circumstances. Likewise, e-mail is not to be used to solicit or proselytize others for commercial ventures, religious or political causes or outside organizations, or personal gain (including, but not limited to, "chain letters" and/or requests for donations).

The use of broadcast mail (sending the same message to a group of employees) places stress on the e-mail system and has the potential for generating undesirable

volumes of junk mail or spam. Therefore, it should be used selectively for only work-related reasons, and with appropriate supervisory approval.

Confidential information should never be transmitted or forwarded to outside entities or individuals not authorized to receive such information, or to Town employees having no business reason for having/receiving such information.

The privacy and confidentiality of e-mail transmissions cannot be assured. E-mail transmissions may be subject to disclosure through legal proceedings or otherwise through various laws which may be held to apply to such transmissions.

D. Expectation of Privacy

Authorized Town personnel must have unrestricted access to e-mail and related information stored on Town-owned computer and other electronic equipment. This access is required for reasons that include retrieving business-related information, troubleshooting hardware and software problems, preventing unauthorized access and system misuse, deterring use that is contrary to the Town's policy, ensuring compliance with software copyright and distribution policies, and complying with legal and regulatory requests for information.

The Town reserves the right to monitor, review and retrieve any information stored on or transmitted with Town equipment, including retrieving and reading e-mail messages or any other computer files, and monitoring Internet traffic. E-mail messages and other use of the Town's computers are not confidential and may be considered to be Public Records under the Public Records law depending upon the contents of the file or communication. Even though employees are issued a password or other private access code, they should have no expectation of privacy with regard to the use of the system.

E. Violations

Staff should immediately notify their supervisor or Administration of any violations of the Town's Technology Use Policy. Violations of this policy will be subject to disciplinary action, up to and including termination of employment.

F. Cell Phone Use

This policy is intended to ensure cell phones do not take time and attention away from work and productivity. It is also intended that the use of cell phones while at work is done in an acceptable, professional and productive manner.

During work hours or work shifts, when an employee is not operating a town owned vehicle or equipment but is 'on the clock', employees are expected to exercise discretion in using personal cellular phones. Use of a cell phone while at

work can pose a distraction to employees and to the public. If an employee receives a text or phone call, the customer must be the first priority of the employee.

Cell phones should not be used in view of the public, even if someone else is available and helping a customer.

Calls and texts from your cell phone should be made and received only when it is necessary for medical or family needs.

Use of cell phones at work must not cause a distraction for co-workers. If you must make a phone call, it is requested that you leave the area where co-workers would be distracted. Cell phones should be kept on a vibrate setting in order to not disturb the workplace.

The Town of South Hadley will not be held liable for the loss of personal cell phones brought into the workplace.

Unless authorized for legitimate Town business assignments or job duties, the Town prohibits employee use of phone cameras and video recorders in the workplace, as a preventative step necessary to secure employee privacy, and personal/confidential information.

6. VISITORS - CODE OF CONDUCT

The Town of South Hadley's employees strive to provide a positive experience for those visiting Town facilities, by following the "Professional Standards of Conduct Policy". In addition, the Town supports a workplace that is conducive to personal safety and security and is free from intimidation, threats or violent acts. The Town does not tolerate workplace violence, including the threat of violence by anyone who conducts business with the Town.

The Town will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual's performance or that creates an intimidating, hostile or offensive work environment. Unsigned documents or letters will not be considered or reviewed.

Complying with this Code of Conduct is required by all people doing business with Town employees.

Violators who do not comply with this policy may be asked to leave the premises.

G. Expected Conduct

1. Avoid causing disturbances or disruptions.
2. Show respect for others, building facilities and personal property of others.

3. Use common courtesy when interacting with others.
4. Do not engage in any lewd or offensive behavior.
5. Any form of violence is prohibited.
6. Smoking, drinking alcohol or appearing to be under the influence of any illegal substance is prohibited.

Repeated violations may result in permanent suspension of facility privileges.