TOWN OF LINCOLN

EMPLOYEE HANDBOOK

Revised May 2013

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EMPLOYEE HANDBOOK
(For Non-Union Employees Only)

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1 Introduction

This Employee Handbook provides an overview of the benefits and working conditions for all non-union employees excluding school personnel, personnel covered by a collective bargaining agreement and personnel covered by a personal contract under the overall guidance of the Lincoln Personnel Board. The current terms of employment, hours of work, salary, time off, insurance and other benefits are outlined in the following pages. The handbook may be periodically updated to reflect changes in the information herein. Any questions regarding benefits or conditions of employment should be made to the Office of the Town Administrator.

2 The Personnel By-law (Excerpt)

Article XII, The Personnel By-law of the General By-laws of the Town of Lincoln, approved March 1969, provides for a Personnel Board consisting of three members appointed by the Moderator. The purpose of this Board is defined in Section 2 as follows:

Section 2. Purpose

- The purpose of the Personnel Board is to strive to ensure fair and equitable wages, personnel policies, and working conditions for all Town employees and to assist Town departments in the administration of personnel policy.

- To carry out these functions, the Personnel Board shall recommend appropriate wage classifications and salary schedules for particular jobs and remuneration of particular individuals. To these ends, it may recommend the procedures for the development of appropriate job descriptions.

- In addition, the Personnel Board shall recommend policies regarding fringe benefits such as health and life insurance, governing remuneration for overtime work, training and professional development in both administrative and operating skills, and procedures for promotion, demotion, and transfer, and all other matters normally considered facets of personnel policy. [Such policies, including pay rates and benefits can only be changed by order of the Selectmen or by vote of Town Meeting.]

The authority vested in the Personnel Board is defined in Section 3 (d) of the General By-laws as follows:

> The Personnel Board is hereby authorized to administer the provisions of this By-law except for such duties as may be specifically assigned by statute or Town By-law to other Town officers, boards, or committees. It shall also have the authority to decide all questions regarding the application of this By-law.

3 Equal Opportunity

The Town of Lincoln has adopted a program of affirmative action which has as its goals both the achievement of equitable personnel policies and practices without regard to race, color, religion, sex, sexual orientation, age (as defined by law), national origin, handicap or marital status, or any other category protected under the law, and the achievement of an environment that effects full utilization of minorities and women at all levels of municipal government. (See Attachment D for policy.)

Copies of the Personnel By-law, Article XII of the General By-laws of the Town of Lincoln, may be obtained at the Town Clerk's Office.

The Town Administrator is the Equal Employment Opportunity Director. Any and all inquiries relative to discrimination of any kind should be directed to the Town Administrator. The Office of the Town Administrator is to be kept informed of all personnel actions.

4 Types of Employees

Regular, full-time employees are persons who work forty (40) hours per week throughout the year and are eligible for employee benefits offered by the Town. All employment shall be considered at-will employment unless otherwise stated. Employment, in itself, is no guarantee of continued employment. Active employment with the Town, or an offer for employment with the Town, does not guarantee continued employment by the Town. Non-contract employees are considered "at will" employees. Continued employment is a direct result of positive employee job performance, and adequate funding for the position(s).

Regular, part-time employees are defined as persons hired on a regular ongoing basis for less than a full week's schedule. Their hours are to be specified by the department head. Regular part-time employees who work an average of twenty (20) hours or more per week are eligible to take part in employee benefits in proportion to their average weekly hours of work (benefits are pro-rated). Regular part-time employees who work less than an average of twenty (20) hours per week are not eligible for employee benefits.

Seasonal employees may work full-time or part-time, and are not eligible to take part in any employee benefits.

Temporary employees may be either full-time or part-time but are employed for a limited period only. Part-time temporary employees are not eligible for employee benefits. Depending upon terms of employment, temporary employees working 20 or more hours per week will be entitled to health insurance benefits. Other benefits may be provided at the discretion of the Town Administrator.

If a temporary employee is filling in for someone who is injured or ill, and the term of employment is unknown, likely to be short, or taken at a day by day basis, they are not entitled to health insurance.

And he clarified that seasonal temp employees are not entitled to health insurance.

As to other benefits the Town provides, there is no law that dictates how those are provided and we rely on our own regulations, which currently states: "Temporary employees may be either full-time or part-time but are employed for a limited period only. Part-time temporary employees are not eligible for employee benefits. Depending upon the length of service, full-time temporary employees may be eligible for certain benefits at the discretion of the Town Administrator." Past practice indicates that anything less than 6 months is not entitled for Town benefits such as vacation leave, sick leave, etc.

5 General Rules and Expectations

5.1 Normal Work Schedule: Department heads or commission chairs shall determine the working hours necessary for the conduct of the Town's business, subject to the approval of the Town Administrator. Employees must abide by the established working hours. In unusual circumstances, an employee may request of his/her department head a modification of schedule. Implementation of the modified schedule will take place only with the approval of the department head or commission chair. Punctuality and accountability during the workday are of utmost importance to the successful operation of the Town. An employee who expects to be delayed or absent is required to notify his/her department head (or designee) immediately. Tardiness and failure to report to work are viewed as unacceptable job performance, and may be grounds for disciplinary action, up to and including termination. Employees may not choose to arrive early to work as a means to allow an early dismissal time **unless approved by the supervisor**. Employees arriving late are expected to make up the time missed within the same workday. Anyone anticipating an absence is required to obtain department head (or designee) approval in advance of that absence. All department heads must obtain Town Administrator/Library Director approval in advance of their absence.

All non-exempt employees working more than 6 hours per day are entitled to a 30 minute unpaid meal period. The timing of this break shall be determined by the supervisor – Not the employee. The employee must work a total of his/her required daily hours before and after this 30 minute meal period to ensure the full number of daily hours is worked. For example, a full time employee working 40 hours per week will actually be at work 8 ½ hours per day to include the required 8 hours of work and the 30 minute unpaid lunch period each day. Employees may not work through the meal period as a means to be compensated for the 30 minute period or to allow an early dismissal time **unless approved by the supervisor for special circumstances.**

Employees who will be out of the office during the day -- for work-related or personal reasons -- must inform their department head (or designee) and obtain department head (or designee) approval.

The Town recognizes that exempt employees are required to work extra hours in the performance of their duties. The Town Administrator, at his discretion, shall have the authority to adjust the schedules of exempt employees accordingly when additional hours have been worked on special projects, emergencies or attending evening meetings.

The Town recognizes that many valued employees have schedules that may, at times, create personal hardships, which place a strain on the employees ability to work the regular schedule over a period of time. The Town Administrator, at his discretion, shall have the authority to develop temporary schedules on an employee-by-employee basis that ensures that employee's responsibilities are met, the minimum number of hours are worked and that the public and other town departments are not inconvenienced.

When work has been cancelled due to severe weather or emergency situations, the Town will notify employees of such cancellation. Absent such notice, employees should use their best judgement in deciding when or if to report to work. In such instances when an employees has determined s/he cannot report to work, they will be charged use of a vacation or personal day for each day not worked.

5.2 Summer Hours: Summer hours shall apply if annually approved for the employees of the Town Offices and Bemis Hall. Summer hours typically involve working longer hours on Monday through Thursday, with Fridays taken as time off. Staff are required to work the same number of hours per week as they work in a five-day week. Actual hours of work for the summer schedule shall be set by the supervisors.

5.3 Forms to Request Leave: To aid the Finance Department in correctly charging employee time, employees must complete a Leave Request Form (see Section 11.1) if they are, or will be, absent from a scheduled day of work. Leave time utilized by employees working under summer hours shall be charged in the adjusted increments associated with their daily hours. **Written requests for periods of unpaid leave must be copied to the Treasurer's office for determination of any payment requirements for the employee regarding continuation of insurances during the period of unpaid leave.**

5.4 Prohibition on Smoking: Smoking is prohibited in all Town-owned buildings. The Town also has a Drugs and Alcohol Testing Policy (see Attachment B) that affects all Town employees. Further information can be obtained from the Office of the Town Administrator. Any town employee found smoking in any Town and/or School building shall be subject to disciplinary action. Any department head that knowingly permits employees to smoke in a public building shall also be subject to disciplinary action.

5.5 Standards of Conduct: Employees are expected to be honest, and to be courteous, professional, and respectful to one another and to the public at all times. It would be considered a violation of the Town's policy to exhibit disrespectful, harassing or violent behavior of any type. Exhibition of such behavior may be grounds for immediate dismissal. Courtesy and a friendly response will go far in creating a good impression among our "customers", the citizens of Lincoln. Employees must dress in a professional style suitable for their office environment. If your supervisor feels your attire and/or grooming is out of place, you may be asked to leave your workplace until you are properly attired and/or groomed. Employees shall not use work time, equipment or other resources for personal business. Employees exhibiting poor job performance or detrimental behavior shall be subject to progressive discipline procedures which may include oral reprimand, written reprimand, suspension, discharge or other action - all as warranted by the situation. The Town of Lincoln wishes to stress that employment, in itself, is no guarantee of continued employment. Continued employment is based on town need and of satisfactory

employee performance. See additional information regarding employee conduct in the various attachments within this handbook.

6 The Personnel File

6.1 Location of Files: Individual personnel records are maintained in the Town Administrator's office at the Town Offices building for all Town employees, and in the Library for all Library employees. The files are confidential, and therefore accessible only to the individual, the department head, and the Town Administrator/Library Director (or designee).

6.2 Access to Records: All employees, upon request to the keeper of records, shall have access to their own personnel records. The review shall occur at the place of employment and during normal business hours. An employee may also obtain a copy of said employee's personnel records upon the submission of a request to the town manager. It is the policy of the Town that all employees shall comply with the laws governing public records and confidential information. No employee shall knowingly or willingly release confidential personnel information nor shall employees refuse to provide public information.

6.3 Content of Personnel Files: Pre-employment documents such as applications, resumes, required licenses, reference letters and reports, offer of employment letters, copies of transcripts, pre-employment physical reports, military discharge documentation, Civil Service certifications, and other similar materials shall be included in the personnel files. Post-employment documents such as performance appraisals, disciplinary action, notices, commendations, promotional certifications, copies of information sent to the employee or to third parties about the employee, etc. shall be included in the personnel file. All medical related information will be kept segregated. The appointing authority/designee at his/her discretion shall determine whether a report or record will be placed in the employee's personnel file, except for information submitted by the employee in rebuttal.

6.4 Removal of Records: Once inserted into an employee's personnel file, documents may only be removed if there is a clear and compelling reason to do so. An employee must make such requests for items he or she feels should be removed. The employee should forward a request to keeper of the records. The keeper of the records will make the determination as to whether or not the material in question should be removed from the employee's personnel file. If either party is not satisfied as to the decision, they may file an appeal to the Personnel Board.

6.5 Procedures Governing Access:

Employee: An employee, upon written or verbal request, may, in the presence of the Human Resources Director, review, add a rebuttal to a particular document or be provided a with a copy of all or part of the employee's personnel file. An employee now or formerly in the employ of the Town may see or receive a copy of his or her own personnel records by asking in person or in writing.

Other Authorized individuals: Other individuals authorized to have access to employee personnel files include: the Town Administrator or designee, the Personnel Administrator and/or designee, attorney or union representatives of the employee who have written authorization from the employee; the department manager and appointing authority who supervise the employee; attorneys or their agents representing the Town, and third parties in response to a court order.

Compliance with Subpoena or Court Order: A subpoena or court order requires the appearance of the named individual, such as the keeper of the records, and may also require those individuals to bring to a court appearance certain employee records that they have in their possession. Any employee who receives a subpoena or court order requiring personnel or payroll information should contact the Town Administrators office immediately. The Town will only release confidential personnel information in response to a court order.

Notice of Release of Information: The keeper of records will notify the employee in the event that confidential employee data is released in response to a court order.

6.6 Release of Public Information:

a. Verification of Employment. Authorized employees may respond to requests for verification of employment from banks, mortgage companies, credit card agents, etc. by providing basic public information such as length of service and salary rate.

b. Requests for Personnel Information. Employees who receive requests for personnel information other than employment verification, even that which is a public record, should refer such requests to the keeper of records.

6.7 Documentation: The keeper of records shall maintain a detailed log of all parties accessing personnel files, all documents entered into personnel files and all documents deleted from personnel files.

7 The Personnel System

The Personnel Board is responsible for overseeing the pay and classification of all regular, full-time and regular, part-time non-union positions. This personnel system, which is updated regularly, includes position descriptions, a classification of current positions, a salary schedule, and a process to keep the system current.

7.1 Position Descriptions & Position Classifications: Each position has a description that identifies the duties, basic knowledge, experience, independent action, and supervisory responsibility for that position. The position description is then used as the basis for classification whereby each position is assigned a specific grade ranging from Grade 4 to Grade 23. Position descriptions may be revised as needed to reflect requirements of changing positions. Positions experiencing a significant change of duties may be considered for re-grading by the Personnel Board.

7.2 Salary Schedule: Each grade is assigned a salary range that is divided into steps. Department heads may recommend, with the approval of the Town Administrator/Library Director, where a new employee's salary should fall within the range and what annual merit step increases are warranted based upon satisfactory performance evaluations.

The starting step for a new or promoted employee shall be based on his/her qualifications. The department head may recommend a step not higher than the mid-range of the grade, with the approval of the Town Administrator/Library Director. If a recommendation is made beyond the mid-range of the grade, the Town Administrator/Library Director (or designee) must seek the approval of the Personnel Board.

The salary schedule is modified each year to reflect the agreed Cost Of Living Adjustment appropriated by Town Meeting.

7.3 Administration of the Personnel System: The Personnel Board monitors the personnel system. It has the following responsibilities:

1. Review and approve new or revised position descriptions for all positions covered by the system;
2. Classify and assign a corresponding grade to each position;
3. Authorize periodic surveys to determine whether positions have been assigned the correct pay grades, and/or whether an across-the-board adjustment in the whole salary structure is needed.

8 Compensation

8.1 Pay /Pay Periods: All employees are paid every other Tuesday unless notified otherwise. To meet payroll deadlines, the Town uses the preceding weeks' time sheets as the current pay period. Department heads must submit time sheets to the Finance Department prior to compensation being made. Paychecks will be issued in accordance with the hours reported on the time sheets and distributed by department.

8.1.1 Payroll Deductions: The amendment to Chapter 149, Section 150A, of the Massachusetts General Laws (MGL), requires all appointing authorities to notify new employees of deductions from their wages. The earnings and deductions are shown on the paycheck stub. The Town is required to withhold the following deductions from wages:

- Federal Income Tax
- Massachusetts Income Tax
- State/County Retirement Plan/Deferred Compensation (OBRA)
- Federal Insurance Contributions Act (FICA) – Medicare only
- DOR/CSE (Department of Revenue/Child Support Enforcement/Qualified Domestic Support Orders)
- Federal/State Garnishments

Federal law mandates participation in the Medicare program for all state and local employees hired on or after April 1, 1986. This program requires both the employer and the employee to each remit the requisite percent of wages to the Federal Government. This is indicated on the weekly pay stub under FICA deductions.

Other deductions can be made with the employee's authorization. Examples are:

- Health insurance
- Life insurance
- Credit union
- Union deductions

8.2 Compensatory Time/Overtime for Hourly (Non-Exempt) Employees: All time worked over 40 hours in a workweek is considered "overtime" and must be approved in advance by the employee's department head and/or Town Administrator/Library Director. Overtime shall be paid at a rate of one and one-half of the employee's regular hourly rate for the number of hours worked in excess of 40 hours during a workweek.

The Town of Lincoln also offers compensatory time off in lieu of overtime pay. Compensatory time is earned for time worked in excess of 40 hours in a workweek and is calculated at a rate of one and one-half times the excess hours. All time worked over 40 hours (in one workweek) must be approved in advance by the employee's department head and/or the Town Administrator/Library Director with the agreement of the employee. Compensatory time must be used within the same pay period in which it was earned, unless otherwise dictated by town administration.

In accordance with the Fair Labor Standards Act, the following compensatory time policy allows certain hourly (non-exempt) employees to earn compensatory time under the following conditions:

1. The employee's department head (or designee) must approve, in advance, all hours worked in excess of 40 hours per workweek.
2. When compensatory time is granted in the same workweek in which it is earned, the compensatory time is hour for hour, provided the total hours for the week do not exceed 40.
3. The use of earned compensatory time must be authorized by the employee's department head (or designee) at the time he/she authorizes the hours in excess of 40 to be worked.
4. Compensatory time cannot be carried over from pay period to pay period.
5. Exceptions to this policy may be made only with the prior approval of the Town Administrator/Library Director.
6. Sick leave taken does not count towards time worked in a workweek.

8.3 Reimbursement of Expenses

8.3.1 Meals

Reimbursement for actual meal expenses will be fully reimbursed when such meals are provided as part of a business, training or conference package at a set cost, and which has been approved by the

supervisor.

8.3.2 Mileage

The cost of work related travel in a personal vehicle shall be fully reimbursed only when such travel has been pre-approved by the supervisor, and shall be reimbursed at the per-mile reimbursement rate that is in effect at the time of the travel.

9 Performance Reviews

9.1 Purpose: The performance review is a procedure that provides time for an employee and his/her supervisor to exchange views about the employee's overall performance as related to pre-determined job expectations. It has two main purposes. It enables the employee and his/her supervisor to exchange views, away from the day-to-day operating issues, about the employee's strengths, opportunities for improvement, and career development. This discussion may be useful in identifying employees for possible advancement. It may also provide information needed for updating of position descriptions. The second main purpose of the performance review is to help determine compensation for the employee. This is an essential component of administering the Personnel System. Employee performance will be reviewed at least once annually before June 30th of each year in order to determine the appropriate placement within the salary range for the job. Additional reviews may occur at the discretion of the Town Administrator/Library Director or designee.

It shall be the responsibility of each supervisor, department head or board, in conjunction with the Town Administrator/Library Director, to evaluate employees' performance against all the specified performance factors . This review will be instrumental in determining where an employee's salary falls in the salary range assigned to his/her job. All annual salary increases are subject to the approval of the Town Administrator/Library Director and Board of Selectmen/Library Trustees and become effective July 1st.

9.2 Objectives: Each department shall conduct an annual performance review for each employee. The review system is intended to:

- establish individual objectives in support of departmental goals and to ensure a common understanding by both manager and employee of what is expected in terms of job performance
- serve as the basis for identifying employees' accomplishments, as well as the need for performance improvement
- plan training, guidance and self-development activities that will help employees gain the knowledge and skills to improve performance and advance career goals, and increase job satisfaction
- provide documentation of employee performance to serve as the basis for personnel actions, and
- continuously improve town services.

9.3 Review Timetable: Each department shall conduct an annual performance review for each employee, regardless of the employee's date of hire.

All new hires shall receive at least one review within the first six months of employment (the probationary period). After successful completion of the probationary period, all new hires will be reviewed on at least once annually before June 30th of each year along with all other employees

9.4 Eligibility for Merit Step: In order for new hires to be eligible for a merit step increase they must have earned an overall performance rating of "meets requirements" or "exceeds requirements" as provided in the competency rating system. Any new hire whose overall performance is rated as either "well below" or "somewhat below" the requirement for the position shall not be eligible for a merit step increase for the upcoming fiscal year. Any employee who fails to earn a merit step increase may request to have his/her performance re-evaluated in six (6) months. If, at that time, the employee's performance

has improved and is rated at "meets" or "exceeds" the requirement, the employee shall be eligible for a merit step increase effective from that point forward.

9.5 Cost of Living Adjustment (COLA:) Employees are eligible for any cost-of-living increase that has been appropriated by Town Meeting.

10 Promotions

A move into an existing higher-level position shall be recognized by an appropriate salary increase. Such a promotion is subject to the approval of the Town Administrator/Library Director and Board of Selectmen/Library Trustees.

Any employee who is promoted will serve the first six months in the new position in a probationary status. The department head and/or Town Administrator/Library Director shall evaluate the employee's performance in the new position within six months from the date of promotion By the end of this six-month period, the supervising department head will recommend to the Town Administrator/Library Director, whether or not, based on performance, the new employee should be retained in that position. In order for the employee to move from probationary to regular status, he/she must have earned a "meets requirements" or "exceeds requirements" rating as provided in the performance review. If performance has been satisfactory, the Town Administrator/Library Director will make a recommendation to the Board of Selectmen/Library Trustees for appointment.

In the event that a promoted employee does not satisfactorily complete the probationary period, he/she may be eligible to return to his/her former position, provided that position is vacant and with the recommendation of the department head. If the position is filled, he/she may be assigned to another vacancy, provided he/she is qualified to fill it, upon the recommendation of the department head to the Town Administrator/Library Director. Compensation will be adjusted accordingly.

Since it is the policy of the Town of Lincoln to hire and retain the most qualified people and to promote from within, the Town encourages those employees who feel their growth in the job qualifies them, to apply for an open position.

11 New Personnel

In the event of a vacancy or the creation of a new position, the Town Administrator/Library Director is responsible for making recommendations to the Board of Selectmen/Library Trustees for the appointment of a person to fill such a position. This process shall be subject to the Personnel By-law, since the Personnel Board is responsible for the classification of new positions.

New employees with appropriate experience may start up to the mid-point of their grade and shall also be eligible for merit reviews at six (6) months of service. Thereafter, all employees will receive annual reviews, and increases, which, if awarded, will be effective July 1. New employees who have been reviewed within the three (3) months prior to July 1st are not eligible to receive an additional merit step increase until the subsequent July 1st. All starting salaries and subsequent increases are subject to the approval of the Town Administrator/Library Director and the Board of Selectmen/Library Trustees.

New employees will be reviewed upon completion of six months of continuous service (the probationary period). If performance has been satisfactory, the Town Administrator/Library Director will make a recommendation to the Board of Selectmen/Library Trustees for appointment to regular full-time or part-time status. The employee will also be eligible to receive a merit-step increase upon successful completion of the probationary period.

12 Leave Time

There are many occasions when time off from the job is necessary. The town has different leaves; some are paid leaves, while others are non-paid leaves. They comprise part of the benefit package available to eligible employees as indicated in sections 11.1—11.11 below. All time off must be approved in advance by an employee's department head (or designee), unless the employee is ill. All department heads shall follow the same procedure as stated above; however, they will submit their request to the Town Administrator/Library Director. In addition, all time off must be recorded on the appropriate form (Leave Request Form) and submitted to the Finance Department/Library Director. Part-time employees will generally be limited to a pro-rata share of leave time.

Whenever an employee has a break in his/her continuous service due to a work-related injury, paid leave of absence or an unpaid leave of absence, all leave time accruals shall cease until the employee returns to an active work schedule. Please check with the Town Administrator's Office regarding procedures for requesting leave time. If the employee is absent for medical reasons, the Town may request a written report from the employee's physician. The Town reserves the right to seek a second opinion at its expense.

12.1 Leave Request Form: An employee anticipating an absence or requesting the use of leave time under this chapter is required to submit a Leave Request Form (Attachment A) in advance, clearly identifying the desired time requested and the type of leave, to the department head (or designee) for approval. The department head (or designee) has the right to refuse a request if the time requested is detrimental to the department and/or the Town.

When processing leave requests for themselves, department heads shall follow the same procedure as stated above; however, they will submit their requests to the Town Administrator/Library Director.

The original Leave Request Form must be forwarded to the Finance Department/Library Director no later than the pay period in which the leave is taken.

12.2 Vacation Time: All eligible employees shall receive paid vacation time based on the length of continuous service with the Town as listed in schedule below. The schedule is applicable to all regular full-time employees. All other eligible employees shall have their leave time pro-rated to reflect their average weekly hours of work. Vacation time shall be credited during the pay period closest to an employee's anniversary date.

	ANNUAL VACATION LEAVE IN HOURS	
Service (employment) period as of the anniversary date	Grades 4-13	Grades 14-23
(a) upon the completion of six (6) months but less than one (1) year	40	40
(b) upon the completion of one (1) year	120*	200**
(c) upon the completion of one (1) year but less than five (5) years	80	120
(d) upon the completion of five (5) years but less than ten (10) years	120	120
(e) upon the completion of ten (10) years but less than twenty years	160	160
(f) upon the completion of twenty (20) years or more	200	200

* GRADE 4-13

New employees are eligible for five (5) days of vacation at the completion of six (6) months of service. At the employee's one-year anniversary date, he/she shall be credited with fifteen (15) days of vacation time: five (5) days for the second six (6) months of completed service and ten (10) additional days for the twelve (12) months that follow the anniversary date. Employees on their one-year anniversary move from an "earned" system to an "advanced" system for crediting vacation. At each anniversary date thereafter employees are credited vacation in accordance with the above schedule, based on years of service.

** GRADE 14-23

New employees are eligible for five (5) days of vacation at the completion of six (6) months of service. At the employee's one-year anniversary date he/she shall be credited with twenty-five (25) days of vacation time: ten (10) days for the second six months of completed service and fifteen (15) additional days for the twelve (12) months that follow the anniversary date. Employees at the one-year anniversary move from an "earned" system to an "advanced" system for crediting vacation. At each anniversary date thereafter employees are credited vacation in accordance with the above schedule, based on years of service.

Anyone requesting the use of vacation leave is required to obtain department head (or designee) approval in advance of that absence. All department heads must obtain Town Administrator/Library Director approval in advance of their absence. All requests must be made on a Leave Request Form. Employees may carry over up to 30 days' vacation annually. After the maximum amount of vacation time has been accumulated, subsequent vacation time will be forfeited until the employee reduces his/her accumulation to the maximum allowed.

In an employee's last year of employment the vacation time is prorated to reflect the time worked since the employee's most recent anniversary date to the date of departure. If an employee has used more than his/her pro-rated time, the employee may be responsible for repayment of the compensation received.

Any employee hired prior to October 1, 1997, who would otherwise experience a reduction in vacation leave while converting to this system, shall be granted additional personal time until such time as the employee reaches the next step in the vacation schedule.

12.3 Holidays: The Town observes the following holidays:

-New Year's Day
-Martin Luther King, Jr. Day
-Presidents' Day
-Patriots Day
-Memorial Day
-Independence Day
-Labor Day
-Columbus Day
-Veterans' Day
-Thanksgiving Day
-The day after Thanksgiving
-Christmas Day
-1/2 day floating holiday*

If the holiday is observed on a scheduled workday, employees will receive the day off with pay.
If a holiday falls on a Saturday, Friday will be considered the paid holiday. If a holiday falls on a Sunday, Monday will be considered the paid holiday.

In a department such as the Library, which is open for more than five days a week, holidays will be treated so that all regular full-time or part-time personnel have the requisite number of days off each year Seasonal , Temporary and Part-time employees working less than 20 hours per week are not eligible for holiday benefits.

* All employees must request to use the half-day floating holiday, in accordance with Section 11.1. The half-day is defined as one-half of the employee's regular working day not to exceed eight (8) hours. This floating holiday, if unused, may not be carried over into the next calendar year.

12.4 Sick Leave: Benefit-eligible positions shall earn the equivalent of eight (8) hours of sick leave for each month worked (or their pro-rated equivalent). Unused sick leave may be accumulated without limitation. In the first month of employment, if the date of hire is beyond the fifteenth of the month, the new hire shall not be credited with sick leave for that month.

Upon separation from employment by the Town, employees will not be compensated for any unused sick leave.

Sick leave may be used for the following reasons:

- an employee's personal illness or medical appointment
- care of an employee's family member (defined as spouse, child/children or parents) for an illness or to attend a family members medical appointment

When sick time is taken, the employee must inform his/her department head (or designee) if the time taken relates to his/her own illness or that of a family member.

During a prolonged illness, an employee must keep the department head informed of his/her condition and anticipated date of return. When an employee is out on sick leave, the department head may request written verification of illness or written assurance by the employee's physician that the employee is fit to return to work prior to returning. The Town reserves the right to have an employee see a Town selected physician with all medical costs being paid by the Town for the purpose of determining the need to use sick leave or fitness to return to work. .

An employee's request to use sick leave should, when possible, be made in advance, such as a planned appointment with a physician. If the circumstances do not permit advance notice, the employee must inform his/her department head (or designee) before his/her workday begins to be eligible for paid sick leave. The employee should notify the department head (or designee) upon return to work.

12.5 Personal Time: An employee may take up to twenty-four (24) hours each calendar year as personal time provided that his/her supervisor and the Town Administrator/Library Director approve the time off in advance. Personal time may be used for religious holidays not observed by the Town, personal business, etc. Personal time will be credited to each employee on January 1 of each year. Unused personal time cannot be carried over into subsequent years.

In the first year of employment, employees shall be credited with a pro-rated amount of personal leave based on one-twelfth (1/12) of their calendar year allotment. If an employee's date of hire is beyond the fifteenth of the month, he/she shall not be credited with personal leave for that month.

In an employee's last year of employment, personal time taken will be prorated to reflect the time worked from January 1st of the said year to the date of departure. If an employee has used more than his/her pro-rated time, the employee may be responsible for repayment of the compensation received.

12.6 Bereavement Leave: In the event of a death of an immediate family member, an employee may take a maximum of twenty-four (24) hours as bereavement leave. This time shall not be charged to sick leave.

Immediate family member shall mean spouse, child, mother, father, sister, brother, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law or a person living in the employee's immediate household.

12.7 Jury Duty: If an employee is called for jury duty, the Town will make up the difference between his/her regular pay and the pay from the court. Employees are expected to return to work to complete their work day if they are released from jury duty prior to the end of the work day. If an employee is assigned to a long term jury assignment, the employee is expected to report to work at all times of their regularly scheduled daily work hours when they are not scheduled for jury duty. The employee is expected to work with the supervisor to ensure their work responsibilities are maintained during this period.

12.8 Military Leave: Each employee who is a member of a Reserve or Guard component of the Armed Forces of the United States shall be granted a leave of absence with pay , during the time of his/her annual tour of duty, or during any period of active deployment, as a member of such Reserve or Guard component. Upon presentation of satisfactory evidence relative to annual military training, or deployment, Any employee who is granted military leave for active service (activated for training and/or full deployment) shall be entitled to receive his/her regular pay minus any base pay received by the military. (The Town will pay the employee a sum of money that, when added to the amount received for training and/or deployment, will result in the payment of full salary for any given work week (regular weekly salary minus military training/deployment pay = the amount received from the Town during that military service)).

Activated employees shall be considered to be on paid leave. Any activated employee who earns more through the military and thus is not being paid by the Town, or who chooses not to use accrued leave time in order to continue receiving pay from the Town, activated employee shall continue to be eligible for

health insurance through the Town's plans with the same town contribution as other town employees on paid leave. The employee shall notify the Treasurer's office as to the appropriate mailing address at which to send the monthly invoices for the employee's share of the insurance premium - if applicable.

Any employee who is granted military leave for active service will not lose any seniority or accrued vacation or sick leave, compensation time or earned overtime. S/He shall continue to accrue all benefits during the period of military leave in the same manner as other employees on paid leave.

12.9 Leave of Absence: If an employee needs extended time off for personal reasons beyond accumulated paid absences, he/she may apply for a Leave of Absence without pay. The Town Administrator/Library Director may grant such leave up to one month. Otherwise, it must be approved by the Board of Selectmen/Library Trustees.

Only under special circumstances will leave be granted for more than three (3) months. At the end of an approved leave, the employee may return to the same or an equivalent available position without loss of pay or service rights.

The employee is responsible for the advance payment of his/her benefits, such as health insurance during the leave of absence. (See Sec. 11.13) Further information may be obtained from the Treasurer/Collector's Office.

The Town recognizes the rights of its employees under the Family and Medical Leave Act of 1993 which provides up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. (See Sec. 11.10.)

Time taken under this section may constitute a break in continuous service, which shall be determined by the Town Administrator/Library Director prior to any time being taken under this section. A break in continuous shall cease all leave time accruals until such time as the employee returns back to an active work schedule.

Leave taken under this section shall comply with Section 11.1.

12.10 Family and Medical Leave Act of 1993: The Town abides by the terms of the Family Medical Leave Act of 1993 (FMLA). In accordance with the Act, the Town will provide eligible employees up to twelve (12) weeks of unpaid leave during a twelve (12) month period for one or more of the following reasons:

- to care for an immediate family member (spouse, child or parent) with a serious health condition;
- to care for the employee's own serious health condition.
- Other situations as allowed by any amendments to the Family Medical Leave Act of 1993, including but not limited to leave associated with the care of an injured member of the Guard or Reserves forces.

A full description of the provisions of the Act is available from the Office of the Town Administrator.

A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves either in-patient care at a health care facility or continuing treatment by a health care provider, which includes disability due to pregnancy.

To be eligible for leave under the new law, an employee must have been employed by the Town for at least 12 months and have worked at least 1,250 hours within the previous 12 month period. An employee will be authorized for use of FMLA leave if they have met the 12 month / 1250 hour condition AND if they have not used all available FMLA leave during that prior 12 month period. The 12 month period for determining the next potential use of FMLA leave will be calculated on a rolling calendar, commencing on the first day of the approved leave.

Employees are required to use any available sick leave while taking FMLA leave to ensure a paid leave status for as long as possible. Once all accrued sick leave is used, the employee status becomes "unpaid"

FMLA leave. Employees seeking to request time under FMLA or for additional information regarding this Act, must contact the Office of the Town Administrator.

12.11 Massachusetts Maternity Leave Act : Female employees who are not eligible under the Family and Medical Leave Act may be eligible under MMLA as follows:

Whenever a female employee becomes pregnant, she shall furnish the Town with a certificate from her physician stating the expected date of her delivery. She may continue to work so long as her physician certifies that she is able to do so. Maternity leave without pay shall be granted to all female employees who have completed their probationary period. The leave shall commence upon the birth of a child and shall extend for a period not to exceed eight (8) weeks. Maternity leave without pay shall also be granted to care for a newly adopted child under eighteen (18) years of age, or a child under twenty-three (23) years of age who is physically or mentally disabled.

If an employee is entitled to leave for the birth or adoption of a child under the FMLA that leave shall run concurrently with the MML provision.

Benefits provided under MMLA leave may differ from that of FMLA leave. Employees seeking to request time under (MMLA) or additional information regarding this section must contact the Office of the Town Administrator.

12.12 Town of Lincoln Parental Leave: An employee may take up to **one week of paid time off** around the birth or adoption of his/her child by them for the purpose of caring for the mother and/or child. The employee must give his/her supervisor as much notice as possible as to the approximate date of the birth/adoption. The leave must be taken all at one time within a two-week period of the birth/adoption.

Leave time used under this section will not be charged to vacation, sick and/or personal leave; however, such time shall be counted towards either Section 11.10 Family Medical Leave Act of 1993 or 11.11 Massachusetts Maternity Leave Act.

Use of this leave is separate from an employee's right to request and take additional time off under the FMLA.

Employees seeking to request time under this section or additional information must contact the Office of the Town Administrator.

12.13 Maternity Leave using Accrued Leave: A female employee may use available accrued vacation leave, sick leave or personal leave while on maternity leave.

12.14 Retention of Insurance Benefits during FMLA and Unpaid Leave:

A) FMLA Leave:

Employees who are taking designated FMLA leave – paid or unpaid – may retain their insurance benefits, but are responsible for payment of their normal share of the premium during that period of approved FMLA leave. If the leave should extend beyond the designated FMLA leave, and if there is no accrued leave used to cover the period as paid leave, it is considered to be an unpaid leave. (Please read the paragraph below.)

B) Non FMLA Unpaid leave:

Employees may retain their insurance benefits during an approved unpaid leave of absence, but become 100% responsible for payment of the entire premium during that period of unpaid leave. The employee becomes responsible for 100% of the premium on the first day of their unpaid leave. Insurance premiums need to be paid for all benefits being retained such as health insurance, dental insurance and life insurance. Payment for the entire amount of the premiums is due to the Treasurer/Collector's Office by the first of the month of coverage. Information regarding the premium amounts due can be obtained from the Treasurer/Collector's Office.

13 Benefits & Workers' Compensation

To be eligible for Town-offered benefits an employee must work at least an average of 20 hours per week. The calculations for leave time found in this handbook are based on a 40-hour workweek. Employees whose regular workweek is between 20 and 40 hours should contact the Finance Department for their prorated leave time, which shall reflect their average weekly hours.

When separation of employment is anticipated, it shall be the responsibility of the employee to notify the Treasurer/Collector's Office immediately of said separation. This advance notice is to allow the Town to properly administer the benefit programs offered by the Town.

13.1 Life Insurance: Eligible employees are entitled to participate in such life insurance programs as the Town may make available from time to time.

Complete details may be obtained from the Treasurer/Collector's Office.

13.2 Health Insurance: Eligible employees are entitled to participate in such health insurance programs as the Town may make available from time to time.

Complete details may be obtained from the Treasurer/Collector's Office.

13.2.2 Group Health Continuation Coverage Under Consolidated Omnibus Budget Reconciliation Act Of 1985 (COBRA): Federal Law requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end. This notice is intended to inform the employee, in a summary fashion, of his/her rights and obligations under the continuation coverage provisions of the new law.

Employees should contact the Treasurer/Collector's Office for more details. Also, when an employee changes marital status or address, the Treasurer/Collector's Office should be notified immediately.

Pursuant to Federal Law, after March 1, 1993, an employee's contribution to health insurance will not be subject to federal and state taxes or FICA Medicare if the employee so chooses.

13.3 Longevity: Employees who have completed five (5), ten (10) and fifteen (15) years of continuous service shall receive a longevity payment in recognition for his/her service to the Town. Employees who have completed the eligible years of continuous service as of December 1st are eligible for this stipend. Longevity payments will be included in the first pay period in December of each year. Effective July 1, 2010, the schedule of payments shall be:

Upon the completion of five (5) years	$ 800.00
Upon the completion of ten (10) years	$ 900.00
Upon the completion of fifteen (15) years	$ 1000.00

Longevity payments shall be prorated for part-time employees working 20+ hours per week.

13.4 Retirement Plan: Employees who work at least 20 hours a week on a regular full-time basis will be included in the Town's Retirement Plan.

Questions relative to any payroll deduction should be directed to the Treasurer/Collector's Office.

13.5 Omnibus Budget Reconciliation Act (OBRA): Employees not eligible to participate in the Middlesex Retirement System may be required to participate in the Omnibus Budget Reconciliation Act (OBRA) plan, which became effective January 1, 1992. Additional information regarding the plan is available in the Treasurer/Collector's Office.

13.6 Additional Town Benefits: The Town makes available additional benefits for eligible employees who wish to participate, such as:

- Dental plan
- Cafeteria plan (flexible spending)
- Credit union
- Deferred compensation

Interested employees should contact the Treasurer/Collector's Office for more details.

13.7 Medicare Deductions: The health insurance (Medicare) portion of the social security tax will be deducted from the paychecks of employees hired after March 31, 1986, and is in addition to money paid towards health insurance and the retirement system.

13.8 Employee Assistance Program: The Town is committed to helping maintain the emotional well-being of all employees (regardless of hours worked) and their families, and therefore provides access to professional intervention and information services through its medical insurance plan. The Town has contracted with an area provider for professional assistance for the employee and employee's family members on matters that are work related or personal in nature. Referrals to the Employee Assistance Program remain strictly confidential, have no effect on the employee's current employment status, and will not impede opportunities for future promotions. Information regarding this service is available to all employees in brochures posted in all work areas, or on the provider website: www.hrshelps.org.

13.8.1 Management Guidelines: Department heads should refrain from providing any specific, personal counseling to employees and should, whenever possible, refer them to the Office of the Town Administrator/Library Director, who will assist in referring the individual to the appropriate resource.

13.9 Workers' Compensation: In the case of incapacity due to an injury sustained in the course of employment, employees must report all work-related injuries immediately to their department head (or designee) and complete the appropriate form (Attachment D - Workers' Compensation Form). The form must be submitted to the Office of the Town Administrator within twenty- four (24) hours from the time of the injury. All claims will be submitted to the Town's insurer for review and determination of the claim.

14 Procedures

14.1 Harassment Policy: It is the policy of the Town of Lincoln (see Attachment C) that harassment of any kind by any employee is prohibited. It is unlawful to retaliate against an employee for making a complaint about harassment or participating in the investigation of a claim. All newly hired employees must be given a copy of the policy and sign an acknowledgment that they have received and read the policy. The policy will be reissued to each town employee annually and each employee must sign the acknowledgement statement indicating that he/she has received and read the policy.

14.2 Grievances: The grievance procedure is defined in the **Personnel By-law in Section 4** as follows:

Section 4. Grievance

A grievance procedure is available to any employee, including any department head, of the Town, whose rights under this By-law have, in his or her opinion, been prejudiced in any way, or who shall have a dispute with his or her department head, or supervisor, arising out of the actions of such supervisor.

In the case of an employee other than a department head: such employee shall take up a grievance orally with his or her department head. If the employee wishes to have the grievance reviewed, he or she shall then submit it in writing to said department head. The department head shall then reply in writing within 7 days. If the department head's response is not to the employee's satisfaction, the employee may send, within 7 days of the date of such response, a copy of said grievance to the Personnel Board. In the case of a department head, such department head who wishes to have a grievance reviewed shall submit it in writing to the Personnel Board, with a copy

to his or her supervisory board or committee. In either case, the Board, within 14 days after receipt of any such grievance, shall hold a hearing at which both parties to the grievance shall be present. The Board's decision shall be rendered within 14 days of the hearing and in both cases shall be final.

14.3 Employee Discipline: Progressive discipline is used by supervisors to ensure that employees meet the Town of Lincoln's expectations in the areas of performance and behavior. Progressive discipline shall typically involve issuance of an oral warning upon first offense, with subsequent steps including a written warning, suspension, and/or discharge if appropriate changes in performance or behavior are not forthcoming. Depending on the severity of the misconduct, it may be appropriate to bypass the oral and/or written warnings and proceed directly to suspension or discharge, if warranted.

14.4 Voluntary Termination: If, for any reason, an employee must voluntarily resign his/her position, notice in writing of at least one (1) month is required by management employees and department heads, and notice in writing of at least two (2) weeks is required by all employees below Grade 13. The employee may be paid for vacation leave at the time of termination compliant with Section 10.2 Vacation Earnings, or the employee may take vacation during the notice period at the discretion of the Town Administrator/Library Director. Any leave time that may be paid out will be prorated to reflect the time worked to the date of departure.

14.5 Involuntary Termination: In the event of dismissal, the employee is entitled to all accrued but unused salary and vacation pay. At the time of notice he/she is also entitled to invoke the grievance procedure as outlined in the Personnel By-law.

- Immediate Dismissals

  The Town can dismiss any employee immediately and without notice for gross misconduct.

- Dismissal with Notice

  In all other cases of dismissal, employees at Grade 14 and above will receive a minimum of one (1) month dismissal notice and employees Grade 13 or below will receive a minimum of two (2) weeks dismissal notice. The Town reserves the right to relieve the employee of all duties during dismissal period.

14.6 Responsibilities on Leaving Employment: At the time of leaving, all work required by the Town must be completed and all Town property in the employee's possession, such as equipment/materials used on the job, town vehicle, computer, keys, etc., must be returned. Otherwise, reimbursement for such property will be expected. It is also the employee's responsibility to leave a forwarding address. Any leave time that may be paid out will be prorated to reflect the time worked to the date of departure.

ATTACHMENT A

Town of Lincoln | **Time Off Request**

Employee Name _____ Date _____

Supervisor _____

I am planning to take (or have already taken) the following hours off from work.

**** Please fill in the appropriate information in the columns below.***

Type of Request	Monday			Tuesday			Wednesday			Thursday			Friday		
	Type	Date	Hrs	Type	Date	Hrs	Type	Date	Hrs	Type	Date	Hrs	Type	Date	Hrs
V - *Vacation*															
S - *Sick*															
P - *Personal*															
O - *Other*															

Total Hours Taken _____

Authorized By _____ ***Date*** _____

Revised May 2013

ATTACHMENT B

TOWN OF LINCOLN

DRUGS AND ALCOHOL POLICY

PURPOSE & SCOPE:

The purpose of this policy is to outline the responsibilities of employees, supervisors, and managers with regard to drug and alcohol use in the workplace and the testing of employees in safety sensitive positions in accordance with U.S. Department of Transportation regulations issued under the Omnibus Transportation Employee Testing Act of 1991, and in accordance with the Drug-free Workplace Act of 1988.

APPLICABILITY:

This policy applies to all employees.

DEFINITIONS:

Safety-sensitive: For purposes of this policy, safety-sensitive shall refer to all employees required by the Town or by federal or state law or regulation, to obtain and retain a Commercial Driver's License.

GENERAL POLICY REGARDING DRUGS AND ALCOHOL IN THE WORKPLACE:

The Town of Lincoln firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The Town of Lincoln discourages users of illegal drugs and misusers of legal drugs, including alcohol, from seeking employment with the Town and encourages very forcefully the rehabilitation of such persons already in its employ.

Employees of the Town of Lincoln are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent it in a responsible and creditable fashion. While the Town of Lincoln has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in a condition to perform their duties. The Town recognizes that employees off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and on Lincoln's ability to accomplish it's goal of providing an alcohol and drug-free environment.

In accordance with the Federal Drug Free Workplace Act, the illegal use, sale or possession of narcotics, drugs, or controlled substances while on the job or on Town property is an offense warranting disciplinary action up to and including termination.

Employees who are under the influence of alcohol, either on the job or when reporting for work, or who possess or consume alcohol during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Consistent with Town practices, such conditions will be proper cause for disciplinary action up to and including termination of employment.

Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor if any prescription drug is likely to have an impact on their job performance. In addition, notification must be given at the time of any testing or screenings as to any drugs or medicine being taken.

If any employee, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, consumes or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository (excluding personal vehicles unless an open container is in plain sight), alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation. If use or possession is substantiated, disciplinary action, up to and including termination will be imposed as outlined in section 'Consequences of Alcohol/Drug Misuse'.

The Town of Lincoln is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems, and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.

If at any time an employee volunteers to enter a chemical dependency program, he/she will do so without fear of disciplinary action being taken against him/her as a result of seeking treatment. Such a program is designed to provide care and treatment to employees who are in need or rehabilitation. Details concerning the treatment that any employee receives in this program shall remain confidential and shall not be released to the public.

POLICY REGARDING DRUG AND ALCOHOL TESTING:

It is the policy of the Town of Lincoln to comply fully with the regulations mandating pre-use, random suspicion, and post-accident drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation.

Performance of safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol on the job or within four hours of reporting to work; and employees in the possession of any medication containing alcohol unless the package seal is unbroken. Use of illicit drugs by safety-sensitive drivers is prohibited.

PROCEDURES

A. Types of Tests:

To the extent practicable, all tests will be conducted during employees normally scheduled work hours. The following tests are required:

Pre-Employment (Pre-use) - All applicants for employment in positions requiring Commercial Driver's License (pre-employment), or candidates for transfer or promotion to such a position (pre-use) are subject to screening for improper use of controlled substances.
Post-Accident - Conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents, even if driver is not cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene. Alcohol tests should be conducted within two hour, but in no case more than eight hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within thirty-two hours.
Reasonable Suspicion - Conducted when a supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse. If a driver's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted. If a test cannot be administered, the driver must be removed from performing safety sensitive duties for at least twenty-four hours. Testing for alcohol abuse must be based on suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with the Public Works Superintendent of his designee.
Random - Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs. Each year the number of drug tests conducted by the Town must equal at least 50% of all safety-sensitive drivers.

Return to Duty and Follow-up: Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following the return to duty.

B. Conducting Tests:

Alcohol
DOT rules require breath-testing using evidential breath-testing (EBT) devices. Two breath-tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative test". If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted.

Drugs
a. Drug testing is conducted by analyzing a driver's urine specimen and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification, and integrity are not compromised.
b. DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis while the split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

All urine specimens are analyzed for the following drugs:

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

Testing is conducted using a two-stage process. First, a screening test is performed. If the test is for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, thee are some limited, legitimate medical uses that may explain a positive test result. If MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative test.

Refusal to Participate
Any refusal to participate in any of the types of alcohol and/or drug tests authorized in this procedure will be treated as indicative of a positive result.

C. Consequences of Alcohol/Drug Misuse

Safety-sensitive employees who are found in possession of alcohol will receive: a one day suspension without pay for the first offense; a three day suspension without pay for a second offense; and shall be terminated in the event of a third offense.

Any illegal substances found in the possession of a safety-sensitive employee shall be turned over to the appropriate law enforcement agency. A first offense shall warrant a three day suspension without pay; a second offense shall result in termination of the employee.

Safety-sensitive employees who have any alcohol concentration (defined as 0.02 or greater) who tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for 24 hours. Disciplinary action will be imposed upon an employee whose alcohol test

reveals any alcohol concentration (between 0.02 and 0.04). Disciplinary action will be as follows: a one (1) day suspension without pay for the first offense; a three day suspension without pay for a second offense; and shall be terminated in the event of a third offense.

Drivers who engage in prohibited alcohol or drug conduct (that is, test positive for alcohol use greater than 0.04 or drug use) must be immediately removed from safety-sensitive functions. Drivers who are serving a probationary period will be terminated immediately. Non-probationary employees will be offered an opportunity for rehabilitation in accordance with Section 3 below. Non-probationary drivers who chose not to avail themselves of this rehabilitation opportunity will be terminated immediately.

Drivers who wish to continue employment with the Town of Lincoln must be evaluated by a substance abuse professional retained by the Town as part of the Employee Assistance Program (EAP), and must comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be paid by the Town to the extent it can be handled within the scope of the EAP. Any additional expenses will be borne by the employee (or his or her health insurance program if applicable). Employees will be placed on sick leave or leave without pay during the treatment period, whichever, in the Town's discretion, is appropriate under the circumstances.

Drivers who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return-to-duty test with a result of less than 0.02 for alcohol or a negative drug test, and who are then subject to unannounced follow-up tests, may return to work. Both the return-to-duty tests and follow-up tests required by this policy will be paid for by the employee.

Drivers who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy during the next five years will be terminated immediately.

Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. As a condition of employment, the employee must comply with prescribed follow-up care.

D, Information/Training

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

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

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

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

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

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

E. Record-keeping

The Town is required to keep detailed records of its alcohol and drug misuse prevention program. In the event that drug or alcohol testing requires that an employee be held over beyond his/her normal working hours, the Town agrees to compensate that employee at his/her overtime rate of pay. Drug and alcohol testing will be done in the presence of a union official. The Town will provide to the union a list of all employees who are tested.

EMPLOYEE CONFIRMATION OF RECEIPT

I certify that I was given a copy of the Town of Lincoln Drug and Alcohol Policy and have been given an opportunity to ask questions of my supervisor about the content of the policy.

_____
Employee's Name

_____
Department Name

_____
Employee's Signature

Date:_____

ATTACHMENT C

TOWN OF LINCOLN
Harassment Policy

The Town of Lincoln intends to provide a work environment that is pleasant, professional, and free from intimidation, hostility or other offenses that might interfere with work performance. Harassment of any sort - verbal, physical, and visual - will not be tolerated, particularly against employees in protected classes. These classes include, but are not necessarily limited to race, ancestry, religion, gender, age, marital or civil union status, national origin, sexual orientation, place of birth, citizenship, veteran status, or disability, or any other protected status defined by law. Violence of any degree, or threat or violence, will not be tolerated.

What Is Harassment?

Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, pranks, intimidation, physical assaults or contact, or violence that substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Harassment is not necessarily sexual in nature. It may also take the form of other activity, including derogatory statements, not directed to the targeted employee but observed by the affected employee. . Other prohibited conduct includes, but is not limited to, written material such as notes, photographs, cartoons, articles of a harassing or offensive nature, and taking retaliatory action against an employee for discussing or making a harassment complaint.

Responsibility
All Town of Lincoln employees, and particularly managers, have a responsibility for keeping our work environment free of harassment. Any employee, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to the Town. When a member of the Town management becomes aware of the existence of harassment, he or she must report it to his/her supervisor whether or not the victim wants the organization to do so.

Reporting
While the Town encourages an employee to communicate directly with the alleged harasser, and make it clear that the harasser's behavior is unacceptable, offensive or inappropriate, it is not required that he or she do so. It is essential, however, to notify the Town immediately even if unsure the offending behavior is considered harassment. Any incidents of harassment must be immediately reported to the supervisor, or to the Town Administrator or Assistant Town Administrator. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed. Any employee found to have harassed a fellow employee or subordinate would be subject to severe disciplinary action up to and including termination. The Town will also take any additional action necessary to appropriately remedy the situation. Retaliation of any sort will not be permitted. No adverse employment action will be taken against any employee who makes a good faith report of alleged harassment or who participates in the investigation of such a complaint.

Policy Statement on Sexual Harassment:

What Is Sexual Harassment?
Sexual harassment may include unwelcome sexual advances, requests for sexual favors
or other verbal or physical contact of a sexual nature when such conduct substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. It also encompasses such conduct when it is made a term or condition of employment or compensation, either implicitly or explicitly and when an employment decision is based on an individual's acceptance or

rejection of such conduct.

It is important to note that sexual harassment crosses age and gender boundaries and cannot be stereotyped. Among other perceived unconventional situations, sexual harassment may even involve two women, two men, or a bystander.

Examples of a hostile, intimidating, and offensive working environment include, but are not limited to, pictures, cartoons, symbols, or apparatus found to be offensive and which exist in the workspace of an employee. This behavior does not necessarily link improved working conditions in exchange for sexual favors but it must be unwelcome and substantially interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

The Town will investigate any complaint of sexual harassment and will take immediate and appropriate disciplinary action if sexual harassment has been found within the workplace. Complaints related to sexual harassment should be made as soon as possible to the Town Administrator or the Assistant Town Administrator.

Notice of this policy is posted on the main town offices employee bulletin board, and is provided to each employee. If this policy is determined not to have been violated, the complainant and the accused person shall be so informed, with appropriate instruction provided to each**, including the right of the complainant to contact any of the state or federal agencies identified in this posted policy notice.**

STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process as set forth in this policy does not prohibit you from filing a complaint with these agencies. Each of these agencies has a short time period for filing a claim (EEOC – 180 DAYS, MCAD – 6 months).

1. The United States Equal Opportunity Commission ("EEOC")
   One Congress Street, 10th Floor
   Boston, MA 02114 617 / 565-3200

2. The Massachusetts Commission Against Discrimination ("MCAD")

   Boston Office:
   One Ashburton Place, Room 601
   Boston, MA 02108 617/ 727-3990

   Springfield Office:
   424 Dwight Street, Room 220
   Springfield, MA 01103 413/ 739-2145

EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I was given a copy of the Town of Lincoln's Violence and Harassment Policy and have been given an opportunity read and ask questions of my supervisor about the content of the policy.

_____
Employee's Name

_____
Department Name

_____
Employee's Signature

_____
Date

Attachment D

I. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY POLICY

Unlawful discrimination against employees, or the public by our employees, occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment, will not be tolerated by the Town of Lincoln. Further, any retaliation against an individual who has formally or informally complained about discrimination or has cooperated with an investigation of a discrimination complaint is prohibited. To achieve our goal of providing a workplace free from discrimination, the conduct that is described in this policy will not be tolerated, and we will implement the procedure described below to address any potential inappropriate conduct.

The Town of Lincoln commits itself and its employees, within the context of state and federal civil rights laws, to ensure equitable participation of employees of all backgrounds in all of its daily operations. This policy applies to all employment practices and employment programs sponsored by the Town of Lincoln. This policy shall apply, but not be limited to, the areas of:

- Recruitment,
- Selection,
- Compensation and benefits,
- Professional development and training,
- Reasonable accommodation for disabilities or religious practices,
- Promotion,
- Transfer,
- Termination,
- Layoff, and
- Other terms and conditions of employment.

Because the Town of Lincoln takes allegations of discrimination seriously, we will respond promptly to complaints and where it is determined that inappropriate conduct has occurred, we will act promptly to cease the conduct and impose any necessary corrective action, including disciplinary action.

1. Employee Recruiting Policies and Procedures

For the purpose of assuring equal opportunity to all persons in recruiting Town of Lincoln staff, the following shall apply:

a. Recruiting advertisements shall be placed in newspapers have the broadest circulation with the aim of giving maximum exposure to minority groups.

b. The Town of Lincoln prohibits discrimination in employment on the basis of:

- Age (40 and above),
- Criminal record (applications only),

- Physical, mental, or psychiatric disability,
- Genetics (results of genetic testing),
- Maternity leave
- National origin or ancestry,
- Race or color,
- Religion,
- Sex,
- Sexual orientation, or
- Active military status.

c. Internal Recruitment is encouraged at times, and for such positions in which internal recruitment and promotion is considered desirable, internal posting shall be made available to all town employees.

2. Discriminatory Harassment

The Town of Lincoln's separate Harassment Policy details our commitment to a workplace free of any verbal or physical conduct which is unwelcome, severe or pervasive, and related to membership or perceived membership in a protected class.

3. Reasonable Accommodation

The Town of Lincoln defines Reasonable Accommodations as those changes an employer makes to a job, the work site, or the environment that enable a qualified person with a disability to participate in the job application, hiring and employment process. Employees seeking reasonable accommodations may submit their request in writing to the Town Administrator, 16 Lincoln Road, Lincoln MA 01773, 781-259-2600.

4. Discrimination Complaints

If any of our employees believes that he or she has been subjected to unlawful discrimination, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Town Administrator, 16 Lincoln Road, Lincoln MA 01773, 781-259-2600.
The Town Administrator is also available to discuss any concerns you may have, and to provide information to you about our Equal Employment Opportunity policy and our complaint process. Alternatively, employees may contact any Town of Lincoln supervisor.

5. Discrimination Investigation

The Town of Lincoln will promptly investigate the allegation in a fair and thorough manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include private interviews with the person filing the complaint, the person alleged to have committed the discrimination, and relevant witnesses. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the

complaint and the person alleged to have committed the discrimination of the results of that investigation.
If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and, where it is appropriate, we will also take appropriate disciplinary action.

6. Disciplinary Action

If it is determined that inappropriate discriminatory behavior has been exhibited by one of our employees, we will take such action as is appropriate under the circumstances. Such action may include counseling, verbal or written warning, suspension, or termination.

7. State and Federal Remedies

In addition to the above, if you believe you have been subjected to unlawful discrimination, 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 the agencies has a time period of 300 days for filing a claim.

1. The United States Equal Employment Opportunity Commission (EEOC):
   One Congress Street, 10th Floor Boston, MA 02114, (617) 565-3200.

2. The Massachusetts Commission Against Discrimination (MCAD):
   Boston Office: One Ashburton Place, Rm. 601, Boston, MA 02108 (617) 994-6000
   Springfield Office: 424 Dwight Street, Rm. 220, Springfield, MA 01103 (413) 739-2145

Attachment E
Social Networking Policy

Purpose

This policy is intended to provide guidance to town employees with respect to use of social networking sites during work hours while using town owned and maintained resources, as well as personal use during non-working hours on equipment not belonging to the town Unless approved by the department head or supervisor.

The Town has a legitimate interest in preserving the public's trust and respect. An employee's conduct on non-working hours must not discredit the employee or the Town, affect an employee's ability to perform his or her job, or result in poor job performance. There are many levels of damage that inappropriate use of social media can effect; ranging from the posting of false or defamatory remarks or materials targeting the Town of Lincoln, town residents, town employees or their family members to criminal, harassing, threatening or discriminatory actions.

Social media sites provide new avenues of electronic communication. This communication is taking place in an environment which is yet to be fully tested as to its degree of security and confidentiality. What one person feels is a secure environment, may not be secure at all. It has been said that the internet holds no secrets. Information that is posted on the internet can easily be traced back to its author. Content shared with one person may end up being forwarded to many unintended recipients. Embarrassing or inappropriate material which is posted may be publically available forever.

Policy

a. Employees shall not use social media sites at during work hours and/or using town resources unless such use has been specifically assigned by a supervisor for a concrete work assignment, or as otherwise approved by a department head or supervisor.
b. Employees are strictly prohibited from using social media sites for personal use during work hours and/ or using town resources, or as otherwise approved by a department head or supervisor.
c. Employees shall not disclose unauthorized or confidential information using electronic devises or social media.
d. Social media content of a criminal, harassing, threatening or discriminatory nature is prohibited.
e. Statements made by an employee pursuant to their official duties are not insulated from discipline because they occurred on social networking sites.
f. Text, images, photographs, video or other reproductions of the Town of Lincoln, it's buildings, equipment, vehicles or specific departmental logos or other insignia is prohibited from use on social networking sites unless specifically authorized.

Photographs of community and social events in which town buildings or equipment, etc. are secondary to the photo subjects (e.g. 4th of July parade, departmental softball games, etc.) are permitted.

g. The Town shall limit its inquiry into an employee's off-duty conduct to situations impacting or reflecting upon the town or the employee's ability to do the assigned job.

Policy Enforcement

a. The Town will evaluate any suspected violations of this policy on a case-by-case basis with due regard for the privacy of everyone involved.
b. Violation of any provision of this policy may result in discipline, up to and including termination in accordance with applicable collective bargaining agreements or personnel policies.
c. Retaliation against any employee making a good faith report regarding a violation of this policy is not permitted and could result in the imposition of additional discipline.

General Considerations

a. Employees are encouraged to use professional judgment at all times with regard to personal use of social networking sites –.
b. Employees should strive to be respectful to co-workers, residents or person seeking assistance from the Town.
c. Always assume that what you post will be seen publicly.
d. Do not identify other employees as working for the Town.
e. An employee's public posting could damage his/her ability, or another employee's ability to do their job.
f. The disclosure of confidential material or remarks which are false, defamatory or otherwise in violation of town policies by an employee on a personal social network site may result in the imposition of discipline up to and including termination.

EMPLOYEE ACKNOWLEDGEMENT
Social Networking Policy

I acknowledge that I was given a copy of the Town of Lincoln's Social Networking Policy, and have been given an opportunity read and ask questions of my supervisor about the content of the policy.

_____
Employee's Name

_____
Department Name

_____
Employee's Signature

_____
Date

EMPLOYEE ACKNOWLEDGEMENT
REVISED EMPLOYEE HANDBOOK

I acknowledge that I was given a copy of the revised Town of Lincoln Employee Handbook.

_____
Employee's Name

_____
Department Name

_____
Employee's Signature

_____
Date

Acknowledgement of Receipt of Revised Employee Handbook

Name of Employee:_____

Dept. of Employee:_____

I hereby acknowledge that I have received a copy of the Town of Lincoln Employee Handbook revised August 2010.

_____

Employee Signature

Date:_____

TOWN OF LINCOLN

DRUGS AND ALCOHOL POLICY

PURPOSE & SCOPE:

The purpose of this policy is to outline the responsibilities of employees, supervisors, and managers with regard to drug and alcohol use in the workplace and the testing of employees in safety sensitive positions in accordance with U.S. Department of Transportation regulations issued under the Omnibus Transportation Employee Testing Act of 1991, and in accordance with the Drug-free Workplace Act of 1988.

APPLICABILITY:

This policy applies to all employees.

DEFINITIONS:

Safety-sensitive: For purposes of this policy, safety-sensitive shall refer to all employees required by the Town or by federal or state law or regulation, to obtain and retain a Commercial Driver's License.

GENERAL POLICY REGARDING DRUGS AND ALCOHOL IN THE WORKPLACE:

The Town of Lincoln firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The Town of Lincoln discourages users of illegal drugs and misusers of legal drugs, including alcohol, from seeking employment with the Town and encourages very forcefully the rehabilitation of such persons already in its employ.

Employees of the Town of Lincoln are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent it in a responsible and creditable fashion. While the Town of Lincoln has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in a condition to perform their duties. The Town recognizes that employees off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and on Lincoln's ability to accomplish its' goal of providing an alcohol and drug-free environment.

In accordance with the Federal Drug Free Workplace Act, the illegal use, sale or possession of narcotics, drugs, or controlled substances while on the job or on Town property is an offense warranting disciplinary action up to and including termination.

Employees who are under the influence of alcohol, either on the job or when reporting for work, or who possess or consume alcohol during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Consistent with Town practices, such conditions will be proper cause for disciplinary action up to and including termination of employment.

Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor if any prescription drug is likely to have an impact on their job performance. In addition, notification must be given at the time of any testing or screenings as to any drugs or medicine being taken.

If any employee, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, consumes or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository (excluding personal vehicles unless an open container is in plain sight), alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation. If use or possession is substantiated, disciplinary action, up to and including termination will be imposed as outlined in section 'Consequences of Alcohol/Drug Misuse'.

The Town of Lincoln is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems, and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.

If at any time an employee volunteers to enter a chemical dependency program, he/she will do so without fear of disciplinary action being taken against him/her as a result of seeking treatment. Such a program is designed to provide care and treatment to employees who are in need or rehabilitation. Details concerning the treatment that any employee receives in this program shall remain confidential and shall not be released to the public.

POLICY REGARDING DRUG AND ALCOHOL TESTING:

It is the policy of the Town of Lincoln to comply fully with the regulations mandating pre-use, random suspicion, and post-accident drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation.

Performance of safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol on the job or within four hours of reporting to work; and employees in the possession of any medication containing alcohol unless the package seal is unbroken. Use of illicit drugs by safety-sensitive drivers is prohibited.

PROCEDURES

A. Types of Tests:

To the extent practicable, all tests will be conducted during employees normally scheduled work hours. The following tests are required:

Pre-Employment (Pre-use) - All applicants for employment in positions requiring Commercial Driver's License (pre-employment), or candidates for transfer or promotion to such a position (pre-use) are subject to screening for improper use of controlled substances.
Post-Accident - Conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents, even if driver is not cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene. Alcohol tests should be conducted within two hour, but in no case more than eight hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within thirty-two hours.
Reasonable Suspicion - Conducted when a supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse. If a driver's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted. If a test cannot be administered, the driver must be removed from performing safety sensitive duties for at least twenty-four hours. Testing for alcohol abuse must be based on suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with the Public Works Superintendent of his designee.
Random - Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs. Each year the number of drug tests conducted by the Town must equal at least 50% of all safety-sensitive drivers.
Return to Duty and Follow-up: Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following the return to duty.

B. Conducting Tests:

Alcohol
DOT rules require breath-testing using evidential breath-testing (EBT) devices. Two breath-tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative test". If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted.

Drugs
a. Drug testing is conducted by analyzing a driver's urine specimen and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification, and integrity are not compromised.
b. DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis while the split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

All urine specimens are analyzed for the following drugs:

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

Testing is conducted using a two-stage process. First, a screening test is performed. If the test is for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, thee are some limited, legitimate medical uses that may explain a positive test result. If MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative test.

Refusal to Participate
Any refusal to participate in any of the types of alcohol and/or drug tests authorized in this procedure will be treated as indicative of a positive result.

C. Consequences of Alcohol/Drug Misuse

Safety-sensitive employees who are found in possession of alcohol will receive: a one day suspension without pay for the first offense; a three day suspension without pay for a second offense; and shall be terminated in the event of a third offense.

Any illegal substances found in the possession of a safety-sensitive employee shall be turned over to the appropriate law enforcement agency. A first offense shall warrant a three day suspension without pay; a second offense shall result in termination of the employee.

Safety-sensitive employees who have any alcohol concentration (defined as 0.02 or greater) who tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for 24 hours. Disciplinary action will be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04). Disciplinary action will be as follows: a one (1) day suspension without pay for the first offense; a three day suspension without pay for a second offense; and shall be terminated in the event of a third offense.

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

serving a probationary period will be terminated immediately. Non-probationary employees will be offered an opportunity for rehabilitation in accordance with Section 3 below. Non-probationary drivers who chose not to avail themselves of this rehabilitation opportunity will be terminated immediately.

Drivers who wish to continue employment with the Town of Lincoln must be evaluated by a substance abuse professional retained by the Town as part of the Employee Assistance Program (EAP), and must comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be paid by the Town to the extent it can be handled within the scope of the EAP. Any additional expenses will be borne by the employee (or his or her health insurance program if applicable). Employees will be placed on sick leave or leave without pay during the treatment period, whichever, in the Town's discretion, is appropriate under the circumstances.

Drivers who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return-to-duty test with a result of less than 0.02 for alcohol or a negative drug test, and who are then subject to unannounced follow-up tests, may return to work. Both the return-to-duty tests and follow-up tests required by this policy will be paid for by the employee.

Drivers who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy during the next five years will be terminated immediately.

Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. As a condition of employment, the employee must comply with prescribed follow-up care.

D, Information/Training

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

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

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

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

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

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

E. Record-keeping

The Town is required to keep detailed records of its alcohol and drug misuse prevention program. In the event that drug or alcohol testing requires that an employee be held over beyond his/her normal working hours, the Town agrees to compensate that employee at his/her overtime rate of pay. Drug and alcohol testing will be done in the presence of a union official. The Town will provide to the union a list of all employees who are tested.

TOWN OF LINCOLN
Harassment Policy

The Town of Lincoln intends to provide a work environment that is pleasant, professional, and free from intimidation, hostility or other offenses that might interfere with work performance. Harassment of any sort - verbal, physical, and visual - will not be tolerated, particularly against employees in protected classes. These classes include, but are not necessarily limited to race, ancestry, religion, gender, age, marital or civil union status, national origin, sexual orientation, place of birth, citizenship, veteran status, or disability, or any other protected status defined by law.

What Is Harassment?

Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, pranks, intimidation, physical assaults or contact, or violence that substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Harassment is not necessarily sexual in nature. It may also take the form of other activity, including derogatory statements, not directed to the targeted employee but observed by the affected employee. . Other prohibited conduct includes, but is not limited to, written material such as notes, photographs, cartoons, articles of a harassing or offensive nature, and taking retaliatory action against an employee for discussing or making a harassment complaint.

Responsibility
All Town of Lincoln employees, and particularly managers, have a responsibility for keeping our work environment free of harassment. Any employee, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to the Town. When a member of the Town management becomes aware of the existence of harassment, he or she must report it to his/her supervisor whether or not the victim wants the organization to do so.

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While the Town encourages an employee to communicate directly with the alleged harasser, and make it clear that the harasser's behavior is unacceptable, offensive or inappropriate, it is not required that he or she do so. It is essential, however, to notify the Town immediately even if unsure the offending behavior is considered harassment. Any incidents of harassment must be immediately reported to the supervisor, or to the Town Administrator or Assistant Town Administrator. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed. Any employee found to have harassed a fellow employee or subordinate would be subject to severe disciplinary action up to and including termination. The Town will also take any additional action necessary to appropriately remedy the situation. Retaliation of any sort will not be permitted. No adverse employment action will be taken against any employee who makes a good faith report of alleged harassment or who participates in the investigation of such a complaint.

Policy Statement on Sexual Harassment:

What Is Sexual Harassment?
Sexual harassment may include unwelcome sexual advances, requests for sexual favors
or other verbal or physical contact of a sexual nature when such conduct substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. It also encompasses such conduct when it is made a term or condition of employment or compensation, either implicitly or explicitly and when an employment decision is based on an individual's acceptance or rejection of such conduct.

It is important to note that sexual harassment crosses age and gender boundaries and cannot be

stereotyped. Among other perceived unconventional situations, sexual harassment may even involve two women, two men, or a bystander.

Examples of a hostile, intimidating, and offensive working environment include, but are not limited to, pictures, cartoons, symbols, or apparatus found to be offensive and which exist in the workspace of an employee. This behavior does not necessarily link improved working conditions in exchange for sexual favors but it must be unwelcome and substantially interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

The Town will investigate any complaint of sexual harassment and will take immediate and appropriate disciplinary action if sexual harassment has been found within the workplace. Complaints related to sexual harassment should be made as soon as possible to the Town Administrator or the Assistant Town Administrator.

Notice of this policy is posted on the main town offices employee bulletin board, and is provided to each employee. If this policy is determined not to have been violated, the complainant and the accused person shall be so informed, with appropriate instruction provided to each**, including the right of the complainant to contact any of the state or federal agencies identified in this posted policy notice.**

STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process as set forth in this policy does not prohibit you from filing a complaint with these agencies. Each of these agencies has a short time period for filing a claim (EEOC – 180 DAYS, MCAD – 6 months).

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2. The Massachusetts Commission Against Discrimination ("MCAD")

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   Boston, MA 02108 617/ 727-3990

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AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY POLICY

Unlawful discrimination against employees, or the public by our employees, occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment, will not be tolerated by the Town of Lincoln. Further, any retaliation against an individual who has formally or informally complained about discrimination or has cooperated with an investigation of a discrimination complaint is prohibited. To achieve our goal of providing a workplace free from discrimination, the conduct that is described in this policy will not be tolerated, and we will implement the procedure described below to address any potential inappropriate conduct.

The Town of Lincoln commits itself and its employees, within the context of state and federal civil rights laws, to ensure equitable participation of employees of all backgrounds in all of its daily operations. This policy applies to all employment practices and employment programs sponsored by the Town of Lincoln. This policy shall apply, but not be limited to, the areas of:

- Recruitment,
- Selection,
- Compensation and benefits,
- Professional development and training,
- Reasonable accommodation for disabilities or religious practices,
- Promotion,
- Transfer,
- Termination,
- Layoff, and
- Other terms and conditions of employment.

Because the Town of Lincoln takes allegations of discrimination seriously, we will respond promptly to complaints and where it is determined that inappropriate conduct has occurred, we will act promptly to cease the conduct and impose any necessary corrective action, including disciplinary action.

1. Employee Recruiting Policies and Procedures

For the purpose of assuring equal opportunity to all persons in recruiting Town of Lincoln staff, the following shall apply:

a. Recruiting advertisements shall be placed in newspapers have the broadest circulation with the aim of giving maximum exposure to minority groups.

b. The Town of Lincoln prohibits discrimination in employment on the basis of:

- Age (40 and above),
- Criminal record (applications only),
- Physical, mental, or psychiatric disability,
- Genetics (results of genetic testing),
- Maternity leave
- National origin or ancestry,
- Race or color,
- Religion,
- Sex,
- Sexual orientation, or
- Active military status.

c. Internal Recruitment is encouraged at times, and for such positions in which internal recruitment and promotion is considered desirable, internal posting shall be made available to all town employees.

2. Discriminatory Harassment

The Town of Lincoln's separate Harassment Policy details our commitment to a workplace free of any verbal or physical conduct which is unwelcome, severe or pervasive, and related to membership or perceived membership in a protected class.

3. Reasonable Accommodation

The Town of Lincoln defines Reasonable Accommodations as those changes an employer makes to a job, the work site, or the environment that enable a qualified person with a disability to participate in the job application, hiring and employment process. Employees seeking reasonable accommodations may submit their request in writing to the Town Administrator, 16 Lincoln Road, Lincoln MA 01773, 781-259-2600.

4. Discrimination Complaints

If any of our employees believes that he or she has been subjected to unlawful discrimination, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Town Administrator, 16 Lincoln Road, Lincoln MA 01773, 781-259-2600.

The Town Administrator is also available to discuss any concerns you may have, and to provide information to you about our Equal Employment Opportunity policy and our complaint process. Alternatively, employees may contact any Town of Lincoln supervisor.

5. Discrimination Investigation

The Town of Lincoln will promptly investigate the allegation in a fair and thorough manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include private interviews with the person filing the complaint, the person alleged to have committed the discrimination, and relevant witnesses. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the discrimination of the results of that investigation.
If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and, where it is appropriate, we will also take appropriate disciplinary action.

6. Disciplinary Action

If it is determined that inappropriate discriminatory behavior has been exhibited by one of our employees, we will take such action as is appropriate under the circumstances. Such action may include counseling, verbal or written warning, suspension, or termination.

7. State and Federal Remedies

In addition to the above, if you believe you have been subjected to unlawful discrimination, 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 the agencies has a time period of 300 days for filing a claim.

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   One Congress Street, 10th Floor Boston, MA 02114, (617) 565-3200.

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   Boston Office: One Ashburton Place, Rm. 601, Boston, MA 02108 (617) 994-6000
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TOWN OF LINCOLN

Social Networking Policy

Purpose

This policy, developed by representative of the Town Union and Non-union employee groups, is intended to provide guidance to all town employees with respect to use of social networking sites during work hours while using town owned and maintained resources, as well as personal use during non-working hours on equipment not belonging to the town.

The Town has a legitimate interest in preserving the public's trust and respect. An employee's conduct on non-working hours must not discredit the employee or the Town, affect an employee's ability to perform his or her job, or result in poor job performance. There are many levels of damage that inappropriate use of social media can effect; ranging from the posting of false or defamatory remarks or materials targeting the Town of Lincoln, town residents, town employees or their family members to criminal, harassing, threatening or discriminatory actions.

Social media sites provide new avenues of electronic communication. This communication is taking place in an environment which is yet to be fully tested as to its degree of security and confidentiality. What one person feels is a secure environment, may not be secure at all. It has been said that the internet holds no secrets. Information that is posted on the internet can easily be traced back to its author. Content shared with one person may end up being forwarded to many unintended recipients. Embarrassing or inappropriate material which is posted may be publically available forever.

Policy

a. Employees shall not use social media sites at during work hours and/or using town resources unless such use has been specifically assigned by a supervisor for a concrete work assignment.
b. Employees are strictly prohibited from using social media sites for personal use during work hours and/ or using town resources.
c. Employees shall not disclose unauthorized or confidential information using electronic devises or social media.
d. Social media content of a criminal, harassing, threatening or discriminatory nature is prohibited.
e. Statements made by an employee pursuant to their official duties are not insulated from discipline because they occurred on social networking sites.
f. Text, images, photographs, video or other reproductions of the Town of Lincoln, it's buildings, equipment, vehicles or specific departmental logos or other insignia is prohibited from use on social networking sites unless specifically authorized.
g. The Town will generally limit its inquiry into an employee's off-duty conduct to situations impacting or reflecting upon the town or the employee's ability to do the assigned job.

Policy Enforcement

a. The Town will evaluate any suspected violations of this policy on a case-by-case basis with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed.
b. Violation of any provision of this policy may result in discipline, up to and including termination in accordance with applicable collective bargaining agreements or personnel policies.
c. Retaliation against any employee making a good faith report regarding a violation of this policy is not permitted and could result in the imposition of additional discipline.

General Considerations

a. Employees are encouraged to use professional judgment at all times with regard to personal use of social networking sites – including but not limited to the posting of any content that identifies or portrays an image or text relating to a fellow employee, colleagues, or the Town.
b. Employees should strive to be respectful to co-workers, residents or person seeking assistance from the Town.
c. Always assume that what you post will be seen publicly.
d. Do not identify other employees as working for the Town.
e. An employee's public posting could damage his/her ability, or another employee's ability to do their job.
f. The disclosure of confidential material or remarks which are false, defamatory or otherwise in violation of town policies by an employee on a personal social network site may result in the imposition of discipline up to and including termination.

EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I was given a copy of the following policies, and have been given an opportunity to read and ask questions of my supervisor about the content of the policy.

1. Drugs and Alcohol Policy
2. Harassment Policy
3. Affirmative Action/Equal Employment Opportunity Policy
4. Social Networking Policy

_____
Employee's Name

_____
Department Name

_____
Employee's Signature

_____
Date

TOWN OF LINCOLN

DRUGS AND ALCOHOL POLICY

PURPOSE & SCOPE:

The purpose of this policy is to outline the responsibilities of employees, supervisors, and managers with regard to drug and alcohol use in the workplace and the testing of employees in safety sensitive positions in accordance with U.S. Department of Transportation regulations issued under the Omnibus Transportation Employee Testing Act of 1991, and in accordance with the Drug-free Workplace Act of 1988.

APPLICABILITY:

This policy applies to all employees.

DEFINITIONS:

Safety-sensitive: For purposes of this policy, safety-sensitive shall refer to all employees required by the Town or by federal or state law or regulation, to obtain and retain a Commercial Driver's License.

GENERAL POLICY REGARDING DRUGS AND ALCOHOL IN THE WORKPLACE:

The Town of Lincoln firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The Town of Lincoln discourages users of illegal drugs and misusers of legal drugs, including alcohol, from seeking employment with the Town and encourages very forcefully the rehabilitation of such persons already in its employ.

Employees of the Town of Lincoln are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent it in a responsible and creditable fashion. While the Town of Lincoln has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in a condition to perform their duties. The Town recognizes that employees off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and on Lincoln's ability to accomplish its' goal of providing an alcohol and drug-free environment.

In accordance with the Federal Drug Free Workplace Act, the illegal use, sale or possession of narcotics, drugs, or controlled substances while on the job or on Town property is an offense warranting disciplinary action up to and including termination.

Employees who are under the influence of alcohol, either on the job or when reporting for work, or who possess or consume alcohol during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Consistent with Town practices, such conditions will be proper cause for disciplinary action up to and including termination of employment.

Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor if any prescription drug is likely to have an impact on their job performance. In addition, notification must be given at the time of any testing or screenings as to any drugs or medicine being taken.

If any employee, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, consumes or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository (excluding personal vehicles unless an open container is in plain sight), alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation. If use or possession is substantiated, disciplinary action, up to and including termination will be imposed as outlined in section 'Consequences of Alcohol/Drug Misuse'.

The Town of Lincoln is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems, and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.

If at any time an employee volunteers to enter a chemical dependency program, he/she will do so without fear of disciplinary action being taken against him/her as a result of seeking treatment. Such a program is designed to provide care and treatment to employees who are in need or rehabilitation. Details concerning the treatment that any employee receives in this program shall remain confidential and shall not be released to the public.

POLICY REGARDING DRUG AND ALCOHOL TESTING:

It is the policy of the Town of Lincoln to comply fully with the regulations mandating pre-use, random suspicion, and post-accident drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation.

Performance of safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol on the job or within four hours of reporting to work; and employees in the possession of any medication containing alcohol unless the package seal is unbroken. Use of illicit drugs by safety-sensitive drivers is prohibited.

PROCEDURES

A. Types of Tests:

To the extent practicable, all tests will be conducted during employees normally scheduled work hours. The following tests are required:

Pre-Employment (Pre-use) - All applicants for employment in positions requiring Commercial Driver's License (pre-employment), or candidates for transfer or promotion to such a position (pre-use) are subject to screening for improper use of controlled substances.
Post-Accident - Conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents, even if driver is not cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene. Alcohol tests should be conducted within two hour, but in no case more than eight hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within thirty-two hours.
Reasonable Suspicion - Conducted when a supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse. If a driver's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted. If a test cannot be administered, the driver must be removed from performing safety sensitive duties for at least twenty-four hours. Testing for alcohol abuse must be based on suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with the Public Works Superintendent of his designee.
Random - Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs. Each year the number of drug tests conducted by the Town must equal at least 50% of all safety-sensitive drivers.
Return to Duty and Follow-up: Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following the return to duty.

B. Conducting Tests:

Alcohol
DOT rules require breath-testing using evidential breath-testing (EBT) devices. Two breath-tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative test". If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted.

Drugs
a. Drug testing is conducted by analyzing a driver's urine specimen and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification, and integrity are not compromised.
b. DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis while the split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

All urine specimens are analyzed for the following drugs:

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

Testing is conducted using a two-stage process. First, a screening test is performed. If the test is for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, thee are some limited, legitimate medical uses that may explain a positive test result. If MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative test.

Refusal to Participate
Any refusal to participate in any of the types of alcohol and/or drug tests authorized in this procedure will be treated as indicative of a positive result.

C. Consequences of Alcohol/Drug Misuse

Safety-sensitive employees who are found in possession of alcohol will receive: a one day suspension without pay for the first offense; a three day suspension without pay for a second offense; and shall be terminated in the event of a third offense.

Any illegal substances found in the possession of a safety-sensitive employee shall be turned over to the appropriate law enforcement agency. A first offense shall warrant a three day suspension without pay; a second offense shall result in termination of the employee.

Safety-sensitive employees who have any alcohol concentration (defined as 0.02 or greater) who tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for 24 hours. Disciplinary action will be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04). Disciplinary action will be as follows: a one (1) day suspension without pay for the first offense; a three day suspension without pay for a second offense; and shall be terminated in the event of a third offense.

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

serving a probationary period will be terminated immediately. Non-probationary employees will be offered an opportunity for rehabilitation in accordance with Section 3 below. Non-probationary drivers who chose not to avail themselves of this rehabilitation opportunity will be terminated immediately.

Drivers who wish to continue employment with the Town of Lincoln must be evaluated by a substance abuse professional retained by the Town as part of the Employee Assistance Program (EAP), and must comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be paid by the Town to the extent it can be handled within the scope of the EAP. Any additional expenses will be borne by the employee (or his or her health insurance program if applicable). Employees will be placed on sick leave or leave without pay during the treatment period, whichever, in the Town's discretion, is appropriate under the circumstances.

Drivers who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return-to-duty test with a result of less than 0.02 for alcohol or a negative drug test, and who are then subject to unannounced follow-up tests, may return to work. Both the return-to-duty tests and follow-up tests required by this policy will be paid for by the employee.

Drivers who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy during the next five years will be terminated immediately.

Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. As a condition of employment, the employee must comply with prescribed follow-up care.

D, Information/Training

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

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

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

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

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

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

E. Record-keeping

The Town is required to keep detailed records of its alcohol and drug misuse prevention program. In the event that drug or alcohol testing requires that an employee be held over beyond his/her normal working hours, the Town agrees to compensate that employee at his/her overtime rate of pay. Drug and alcohol testing will be done in the presence of a union official. The Town will provide to the union a list of all employees who are tested.

TOWN OF LINCOLN
Harassment Policy

The Town of Lincoln intends to provide a work environment that is pleasant, professional, and free from intimidation, hostility or other offenses that might interfere with work performance. Harassment of any sort - verbal, physical, and visual - will not be tolerated, particularly against employees in protected classes. These classes include, but are not necessarily limited to race, ancestry, religion, gender, age, marital or civil union status, national origin, sexual orientation, place of birth, citizenship, veteran status, or disability, or any other protected status defined by law.

What Is Harassment?

Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, pranks, intimidation, physical assaults or contact, or violence that substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Harassment is not necessarily sexual in nature. It may also take the form of other activity, including derogatory statements, not directed to the targeted employee but observed by the affected employee. . Other prohibited conduct includes, but is not limited to, written material such as notes, photographs, cartoons, articles of a harassing or offensive nature, and taking retaliatory action against an employee for discussing or making a harassment complaint.

Responsibility

All Town of Lincoln employees, and particularly managers, have a responsibility for keeping our work environment free of harassment. Any employee, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to the Town. When a member of the Town management becomes aware of the existence of harassment, he or she must report it to his/her supervisor whether or not the victim wants the organization to do so.

Reporting

While the Town encourages an employee to communicate directly with the alleged harasser, and make it clear that the harasser's behavior is unacceptable, offensive or inappropriate, it is not required that he or she do so. It is essential, however, to notify the Town immediately even if unsure the offending behavior is considered harassment. Any incidents of harassment must be immediately reported to the supervisor, or to the Town Administrator or Assistant Town Administrator. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed. Any employee found to have harassed a fellow employee or subordinate would be subject to severe disciplinary action up to and including termination. The Town will also take any additional action necessary to appropriately remedy the situation. Retaliation of any sort will not be permitted. No adverse employment action will be taken against any employee who makes a good faith report of alleged harassment or who participates in the investigation of such a complaint.

Policy Statement on Sexual Harassment:

What Is Sexual Harassment?

Sexual harassment may include unwelcome sexual advances, requests for sexual favors
or other verbal or physical contact of a sexual nature when such conduct substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. It also encompasses such conduct when it is made a term or condition of employment or compensation, either implicitly or explicitly and when an employment decision is based on an individual's acceptance or rejection of such conduct.

It is important to note that sexual harassment crosses age and gender boundaries and cannot be

stereotyped. Among other perceived unconventional situations, sexual harassment may even involve two women, two men, or a bystander.

Examples of a hostile, intimidating, and offensive working environment include, but are not limited to, pictures, cartoons, symbols, or apparatus found to be offensive and which exist in the workspace of an employee. This behavior does not necessarily link improved working conditions in exchange for sexual favors but it must be unwelcome and substantially interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

The Town will investigate any complaint of sexual harassment and will take immediate and appropriate disciplinary action if sexual harassment has been found within the workplace. Complaints related to sexual harassment should be made as soon as possible to the Town Administrator or the Assistant Town Administrator.

Notice of this policy is posted on the main town offices employee bulletin board, and is provided to each employee. If this policy is determined not to have been violated, the complainant and the accused person shall be so informed, with appropriate instruction provided to each, **including the right of the complainant to contact any of the state or federal agencies identified in this posted policy notice.**

STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process as set forth in this policy does not prohibit you from filing a complaint with these agencies. Each of these agencies has a short time period for filing a claim (EEOC – 180 DAYS, MCAD – 6 months).

1. The United States Equal Opportunity Commission ("EEOC")
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   Boston, MA 02114 617 / 565-3200

2. The Massachusetts Commission Against Discrimination ("MCAD")

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AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY POLICY

Unlawful discrimination against employees, or the public by our employees, occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment, will not be tolerated by the Town of Lincoln. Further, any retaliation against an individual who has formally or informally complained about discrimination or has cooperated with an investigation of a discrimination complaint is prohibited. To achieve our goal of providing a workplace free from discrimination, the conduct that is described in this policy will not be tolerated, and we will implement the procedure described below to address any potential inappropriate conduct.

The Town of Lincoln commits itself and its employees, within the context of state and federal civil rights laws, to ensure equitable participation of employees of all backgrounds in all of its daily operations. This policy applies to all employment practices and employment programs sponsored by the Town of Lincoln. This policy shall apply, but not be limited to, the areas of:

- Recruitment,
- Selection,
- Compensation and benefits,
- Professional development and training,
- Reasonable accommodation for disabilities or religious practices,
- Promotion,
- Transfer,
- Termination,
- Layoff, and
- Other terms and conditions of employment.

Because the Town of Lincoln takes allegations of discrimination seriously, we will respond promptly to complaints and where it is determined that inappropriate conduct has occurred, we will act promptly to cease the conduct and impose any necessary corrective action, including disciplinary action.

1. Employee Recruiting Policies and Procedures

For the purpose of assuring equal opportunity to all persons in recruiting Town of Lincoln staff, the following shall apply:

a. Recruiting advertisements shall be placed in newspapers have the broadest circulation with the aim of giving maximum exposure to minority groups.

b. The Town of Lincoln prohibits discrimination in employment on the basis of:

- Age (40 and above),
- Criminal record (applications only),
- Physical, mental, or psychiatric disability,
- Genetics (results of genetic testing),
- Maternity leave
- National origin or ancestry,
- Race or color,
- Religion,
- Sex,
- Sexual orientation, or
- Active military status.

c. Internal Recruitment is encouraged at times, and for such positions in which internal recruitment and promotion is considered desirable, internal posting shall be made available to all town employees.

2. Discriminatory Harassment

The Town of Lincoln's separate Harassment Policy details our commitment to a workplace free of any verbal or physical conduct which is unwelcome, severe or pervasive, and related to membership or perceived membership in a protected class.

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The Town Administrator is also available to discuss any concerns you may have, and to provide information to you about our Equal Employment Opportunity policy and our complaint process. Alternatively, employees may contact any Town of Lincoln supervisor.

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The Town of Lincoln will promptly investigate the allegation in a fair and thorough manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include private interviews with the person filing the complaint, the person alleged to have committed the discrimination, and relevant witnesses. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the discrimination of the results of that investigation.
If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and, where it is appropriate, we will also take appropriate disciplinary action.

6. Disciplinary Action

If it is determined that inappropriate discriminatory behavior has been exhibited by one of our employees, we will take such action as is appropriate under the circumstances. Such action may include counseling, verbal or written warning, suspension, or termination.

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TOWN OF LINCOLN

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b. Employees should strive to be respectful to co-workers, residents or person seeking assistance from the Town.
c. Always assume that what you post will be seen publicly.
d. Do not identify other employees as working for the Town.
e. An employee's public posting could damage his/her ability, or another employee's ability to do their job.
f. The disclosure of confidential material or remarks which are false, defamatory or otherwise in violation of town policies by an employee on a personal social network site may result in the imposition of discipline up to and including termination.

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_____
Employee's Name

_____
Department Name

_____
Employee's Signature

_____
Date