



CITY OF SOMERVILLE, MASSACHUSETTS

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MAYOR

**EMPLOYEE GUIDEBOOK
FOR NON-BARGAINING UNIT
EMPLOYEES**

This Employee Guidebook is prepared to provide information and guidance for City of Somerville employees. The City reserves the right to change, add to, or delete any of the provisions in this Guidebook at any time.

This Employee Guidebook is not a contract of employment

Effective July 1, 2015

This edition supersedes any previous City guidebooks.

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PART I

INTRODUCTION

1. OVERVIEW

This Employee Guidebook contains a summary of current policies and benefits applicable to the City of Somerville's non-union employees. Pursuant to M.G.L. c. 150E benefits provided to employees who are members of collective bargaining units are contained in that unit's collective bargaining agreement and those employees should consult that agreement. This Guidebook is designed to provide prospective and current employees with basic information about the City, its government, and its human resources practices. New employees will find answers to many of their questions. Current employees will find it a convenient reference.

This Employee Guidebook is not intended, nor should it be construed, as a binding contract of employment or of any term or condition of employment – express or implied – between the City and any employee. Furthermore, this Employee Guidebook is not intended to guarantee continued employment or specific benefits or procedures.

The City reserves the right to add, change or discontinue any aspect of its human resources policies and benefit programs with or without notice, and to revise or modify provisions in this Guidebook. It is each employee's responsibility to familiarize himself or herself with changes as they are announced.

Nothing in this guidebook shall diminish any right or prerogative conferred by law to the City or its Mayor.

Employees of the City that are not otherwise covered by a collective bargaining agreement or have civil service status are considered at-will employees, and either party may terminate the employment relationship any time, with or without cause, and with or without notice.

The enclosed material supersedes any policies or Guidebooks previously distributed.

2. EMPLOYEE RELATIONS PHILOSOPHY

It is the practice of the City of Somerville to treat each employee as an individual. We strive to develop a spirit of teamwork with individuals working together to attain common goals. In order to provide and maintain a productive, professional atmosphere, our goal is to provide a workplace that is safe, comfortable, and progressive. We firmly believe that by communicating with each other directly, we can develop mutually beneficial and respectful relationships, and can openly and efficiently resolve problems that may arise. The City expects that employees will perform their duties to the best of their abilities and that they will do their part to fulfill the responsibilities that they owe to the citizens of Somerville, whose tax dollars support the functions and duties of city government.

The overall objectives of the City's human resource practices are:

- To recruit, select, and retain employees based on their knowledge, skills and ability to perform the duties of their positions.
- To provide a safe work environment.
- To provide an equitable and competitive compensation package.
- To foster an environment of learning.
- To provide training for employees, thus ensuring high standards of performance and productivity.
- To ensure that employees meet performance standards, develop and practice safe work habits, grow professionally, correct inadequate performance and provide for the proper supervision in the various departments.

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- To assure that no person employed by the City shall be discriminated against because of race, sex, gender identity/expression, color, religion, national origin, sexual orientation, disability or age.

3. SUGGESTIONS AND IDEAS

The City encourages suggestions by employees that improve the quality and level of service provided to its citizens, residents and taxpayers.

The City encourages employees to share their suggestions and ideas concerning making Somerville a better place to live, work, play, and raise a family.

Employees are encouraged to “think outside the box” and look at ways to improve the quality and level of services the City provides as well as to improve the workplace itself and employee wellness.

While not all suggestions can or will be implemented they will be evaluated and integrated as deemed appropriate. Suggestions may be made to your department head, the Human Resources Department, or the Mayor’s Office. The adoption of recommended improvements reflects positively on the employee and is considered to be integral to fully effective job performance.

PART II

DEFINITIONS

Appointing Authority

The person or officials authorized by law to make appointments and dismissals. In the City of Somerville, the Mayor is the sole appointing authority.

Probationary Period

Employees who fall under a civil service classification will be subject to the probationary requirements of civil service law.

The probationary period for non-civil service employees is ninety (90) days from first date of employment. A break in service during a probationary period extends the period by the length of that break.

Additional information on the City’s probationary period can be found under Part III Section A-4 of this guidebook.

At-Will-Employee

All employees are employees at will unless under contract or civil service law.

Exempt Position

Those employees of the City who are exempt from overtime payments pursuant to M.G.L. c. 151, Section 1A and / or Section 13(a)(1) of the Fair Labor Standards Act as defined by Regulations, 29 CFR and / or any other applicable statute(s).

Examples of such employees generally include certain department heads, managers, professional, computer and administrative employees who are compensated on a salary basis.

Non-Exempt Position

All City employees not classified as exempt, seasonal, temporary, intermittent, “960” or contract employees.

Compensatory Time

Employees who are classified as “non-exempt” under the Fair Labor Standards Act (FLSA) may be eligible for compensatory (“comp”) time but only when agreed to in advance and approval may be granted only at the discretion of the Mayor or the Director of Human Resource. “Comp” time is accrued at time and one half.

Exempt employees are not eligible to receive compensatory time or overtime.

Flex Time

Department heads have the authority to grant flex time on a case-by-case basis balancing departmental and employee needs. Prior to using flexing time, the department head must grant permission to the employee regarding if and when flex time will be used.

Flex time may take the form of beginning one’s work day earlier/later than the standard work day, working later or leaving earlier than the standard work day, or taking a shorter/longer lunch period. Permission to flex time that extends beyond an incidental basis (e.g., time that is anticipated to be more than five (5) business days in a row or on a periodic basis lasting more than two (2) weeks) should be submitted in writing to your department head so that both you and the department head are clear as to when you will be working. Requests that extend beyond twelve (12) weeks will require approval from the Human Resources Department.

Although flex time may be granted it does not have to be granted at a 1 for 1 match. For example working four (4) additional may be agreed two (2) hours will be flex. Please note non-exempt employees who work more the forty (40) physical hours are entitled to overtime.

Flex time is not intended to be in lieu of Family and Medical Leave Act (FLMA) requirements.

Full-Time Employee

An employee who works a regularly scheduled minimum of thirty (30) hours or more per week and has definite assigned responsibilities.

Part-Time Employee with Benefits

An employee who works on a regularly scheduled minimum of twenty (20) hours per week (1,040 annually) and has definite assigned responsibilities. These employees are granted benefits such as holiday pay, vacation pay and sick pay on a pro-rata basis, as determined by the number of regularly scheduled hours compared to the normal workweek in his or her given department. These employees may be eligible for group health insurance under the Group Insurance Commission (“GIC”).

Part-Time Employee without benefits

A part-time employee is an employee who is scheduled up to nineteen (19) hours per week regularly. These employees are not entitled to benefits such as holiday pay, vacation pay, sick pay, group health insurance or any other benefits.

Seasonal, Temporary, Intermittent, or “960”

An employee who is serving in a position for a specified period of time or to complete a specific project. These employees are not entitled to benefits such as holiday pay, vacation pay, sick pay, group health insurance or any other benefits regardless of the number of hours worked per week unless, in the case of a contract employee, it is explicitly provided pursuant to their contract.

Seniority

Upon the successful completion on an Employee’s probation period seniority shall be measured from their original date of hire subject to the following:

1. Seniority shall continue to accrue during continuous authorized leaves of absence provided that the Employee returns to work immediately following the expiration of any such leave of absence. If the Employee fails to return immediately from an authorized leave of absence then their seniority shall

end with the last day the Employee actually performed work for the Employer unless otherwise approved by the Mayor.

2. Employees who have terminated voluntarily and in accordance with the City policies will be allowed to “bridge” their seniority upon returning to work as a rehire provided that the Employee returns within 365 days of their resignation or if a greater period is granted at the Mayor’s sole discretion. Said seniority will not include any period between their resignation and return to duty.
3. Any Employee who fails to return to work on a recall from layoff within thirty (30) calendar will lose his or her seniority. Recall notice shall be sent via certified mail.

PART III

EMPLOYMENT

A. EMPLOYMENT

1. EQUAL OPPORTUNITY POLICY

The City is committed to the principle of equal opportunity in employment. The City is conscious of its responsibility to eliminate discriminatory barriers to employment based on race, sex, gender identity/expression, color, religion, national origin, sexual orientation, disability, age, and/or other protected categories, and to promote an environment free of discriminatory harassment. Retaliation against an individual based on engagement in a protected activity such as the filing of a complaint and participation in a complaint investigation is also prohibited.

The City will continue to direct its employment and personnel practices toward ensuring equal employment opportunity for everyone. The City intends that all matters related to recruitment, hiring, and employment, as well as participation in and supervision of City-sponsored educational, social, and recreational programs shall be free of discriminatory practices.

The City has obligations and programs which are intended to identify and remove any policy or practice that might contribute to the unfair or unequal treatment of protected classes. A copy of the City's current Equal Opportunity (EO) Policy is available on the City website and upon request in the Human Resources department. Any applicant or employee who has questions about the City's EO Policy is encouraged to contact the Human Resource Department.

2. CRIMINAL OFFENDER RECORDS INFORMATION

A copy of the City's current CORI policy is available upon request in the Human Resources department. Please contact the Human Resource Department at x3300 for more information.

3. REASONABLE SUSPICION POST EMPLOYMENT TESTING

Employees may be subject to drug and / or alcohol testing post-employment based on reasonable suspicion.

4. PROBATIONARY PERIOD

Employees are subject to a ninety (90) calendar day probationary period from their date of hire. Upon the completion of the first sixty (60) days the respective department head will complete an employee evaluation, including a written recommendation relative to the retention or termination of the employee. If the employee's job performance is deemed unacceptable by the department head or their designee, the employee may be recommended for discharge, said recommendation shall be made to the Human Resource Department. Employees transferring from one department to another are not subject to an additional probationary period. However, a break in service during a probationary period extends the period by the length of that break.

5. HOURS OF WORK AND OVERTIME POLICY

Departmental work schedules have been established in accordance with City ordinances, operational need, and personnel policies. Break times are subject to workload and the discretion of the immediate supervisor. Regular attendance and punctuality are among the critical job responsibilities of every employee. If, because of illness or other reason, an employee cannot report for work at the scheduled time, the employee must notify his or her immediate supervisor or designee, explaining the reason for the absence. If an employee is going to be late for work, a call must be made to his or her immediate supervisor or designee advising of the reason for the delay.

The standard workweek for all full time Non-Union Employees is as follows:

Standard Work Week Schedule*		Lunch/Break
Monday	8:30 am-4:30 pm	one (1) hour lunch and a fifteen (15) minute break
Tuesday	8:30 am-4:30 pm	one (1) hour lunch and a fifteen (15) minute break
Wednesday	8:30 am-4:30 pm	one (1) hour lunch and a fifteen (15) minute break
Thursday	8:30 am-7:30 pm	one (1) hour lunch and two fifteen (15) minute breaks
Friday	8:30 am-12:30 pm	no lunch or breaks
<u>OR</u>		
Monday	8:00am-4:00pm	one (1) hour lunch and a fifteen (15) minute break
Tuesday	8:00am-4:00pm	one (1) hour lunch and a fifteen (15) minute break
Wednesday	8:00am-4:00pm	one (1) hour lunch and a fifteen (15) minute break
Thursday	8:00am-4:00pm	one (1) hour lunch and a fifteen (15) minute break
Friday	8:00am-4:00pm	one (1) hour lunch and a fifteen (15) minute break

*Please note some non-union positions may have an “on call” or “as needed” or other schedule based on operational need.

Full time benefit eligible staff receives paid breaks and lunches.

Non-Exempt Employees

Non-exempt or “hourly” employees will be paid overtime pursuant to the provisions of the Fair Labor Standards Act (FLSA). Department heads shall be responsible for the control and authorization of overtime in excess of forty (40) hours. Overtime shall be authorized at the discretion of a department head.

Exempt Employees

Exempt employees are expected to work the hours necessary to complete their job assignments in a professional manner. Department heads are authorized to exercise discretion in modifying employee schedules with approval from the Human Resource Department.

6. INCLEMENT WEATHER / SNOW DAY POLICY

From time to time, the Mayor may make the determination that certain non-emergency and/or non-essential city offices may be closed or that staffing levels may be reduced (to a “skeleton crew”) in recognition of hazardous conditions. In the event that either an office closing or reduction in staffing levels occurs, department heads (and/or designated supervisors) will notify staff as to whether they need not report and may work from home (when applicable).

Please note that a weather emergency declared by the Governor or the cancellation of school by the Somerville School Department does not automatically mean that offices will be closed or staffing levels reduced. The decision as to whether to close any office(s) or reduce staffing levels will be made by the Mayor.

If you feel that you cannot report to work due to hazardous conditions, you should contact your department head to determine whether you can work from home or whether you may use accrued but unused vacation or personal time. If you are granted permission to work from home you must be available electronically to respond to departmental needs during the work day.

Emergency Personnel

While each emergency declared by the Mayor will have its own unique challenges and staffing requirements, generally, for weather-related events, emergency personnel include, but may not be limited to, employees who work in the Police Department, Fire Department, Department of Public Works, and Constituent Services (311) Department. In addition, employees of the City’s Traffic and Parking Department and Inspectional Services Division assigned to code enforcement may be considered emergency personnel.

Essential Personnel

The determination as to whether personnel are essential is to be made on a case-by-case basis by their department head. Essential personnel are generally defined as those non-emergency personnel who must perform a specific, timely function that must be performed during the time of a declared emergency. (For example: Payroll Department employees are not generally considered “essential” unless being absent during the period involved would prevent employees from receiving their paychecks on their regularly-scheduled date.)

Use of Benefit Time

In the event that an employee has a previously-scheduled benefit day (i.e., vacation time, personal day, sick leave, or leave of absence) the declaration of an inclement weather and/or snow day has no impact on the use of previously-scheduled benefit time unless specifically called into work. These employees will not be required to be available during that day unless specifically called in. In the event that an employee is called in from a vacation or personal day he/she will be re-credited for any time that he/she is required to report.

B. RECORDS

1. ATTENDANCE RECORDS

Departments are responsible for maintaining and reporting records of attendance. The Human Resource Department will review departmental attendance records periodically to ensure consistent administration of attendance standards for all employees.

2. ACCESS TO PERSONNEL FILES POLICY

In accordance with the provisions of MGL Chapter 149, Section 52C, current and former employees have the right to review their personnel files.

Medical and/or psychological information about employees is maintained separately from the personnel record.

Employees must make a written request to review and/or receive a copy of their personnel file. Employees submitting such a request will be allowed to view their file within five business days of making the request. Employees seeking to obtain a copy of their file will be accommodated within a reasonable period of time.

If there is disagreement with any information in the personnel record, the City and the employee may mutually agree to remove or correct it. If agreement is not reached, the employee may submit a written statement explaining the disagreement. The statement will be retained in the personnel record. If the statement upon which there was original disagreement is transmitted to a third person, the employee's written response will also be transmitted.

3. SAFETY AND HEALTH

The safety and health of employees is of paramount importance to the City. Accordingly, it is the policy of the City that employees work in safe surroundings and in a safe manner. It is the obligation of each employee to observe established safety rules. For individual safety, and the safety of fellow workers, unsafe working conditions should be promptly reported to the employee's respective supervisors.

4. BULLETIN BOARDS/POSTINGS OF INFORMATION

Information of interest to employees is posted in various locations including but not limited to City bulletin boards in each department, payroll stuffers and e-mail. These and other approved means of communications are for official use only and are not for personal use or solicitation.

PART IV

COMPENSATION

Employee compensation is established through City compensation plans.

1. PAY PERIOD/PAY DAYS

Employees are paid on a weekly basis, with the payroll period ending on Saturday and checks available on the following Friday. Checks for employees paid on a monthly basis are available on the last day of the month. The calendar incidence of a holiday may alter the distribution of payroll checks to the next day.

2. DIRECT DEPOSIT

Employees are encouraged to use direct deposit for their payroll checks. Application forms for this service are available through Payroll or as downloads from the Human Resource Department's web page. In addition to completing the necessary form, employees must submit a voided check for the checking accounts to which their pay will be automatically deposited. If an employee prefers direct deposit to a savings account, written notification from the financial institution with routing (ABA) number and account number must be attached along with a voided check or bank letter for a savings account. Please contact Payroll if you have any questions.

3. PAYROLL DEDUCTIONS

Mandatory payroll deductions may be made, depending upon the number of exemptions claimed, for federal and state income taxes, and for retirement contributions. All individuals employed on or after, April 1, 1986, must have a deduction for federal Medicare insurance.

Optional payroll deductions may be made, based on employee authorization, for the following including but not limited to: health insurance, life insurance, dental insurance, deferred compensation, additional tax withholding and the employee credit union.

4. GARNISHMENTS, LIENS, TRUSTEE PROCESS

Subject to the provisions of applicable federal and state law, the City may be obliged to retain, and pay over to a third party, a portion of the employee's earnings.

PART V

BENEFITS

1. VACATION LEAVE POLICY

All full-time Employees accrue vacation pay on a monthly basis after completing 90 calendar days of employment. Vacation time will be accrued over a twelve month period. Monthly accruals occur on the first of each month. Vacation time may be used in increments of one-half (.5) hours.

Length of Service

New employees

Employees with ninety one (91) days
to five (5) years of service.

Upon completion of five (5) years
to ten (10) years of service.

Upon completion of ten (10) years
to twenty (20) years of service.

Annual Vacation Accrual

After completing ninety (90) calendar days of continuous service, new employees will receive one week immediately and begin to accrue vacation time on the first of each month thereafter.

Four (4) weeks' vacation (or 20 days), which is accrued at 1.67 days (or 13.33 hours) the first of every month.

Five (5) weeks' vacation (or 25 days), which is accrued at 2.08 days (or 16.67 hours) per month.

Six (6) weeks' vacation (or 30 days), which is accrued at 2.5 days (or 20 hours) per month.

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Upon completion of 20 or more years

Seven (7) weeks' vacation (or 35 days), which is accrued at 2.92 days (or 23.33 hours) per month.

Approval

All vacation time requests must be approved, in advance, by the employee's immediate supervisor or their respective department head. Employees are encouraged to schedule their vacations in as much time in advance as possible. Employees who terminate service with the City of Somerville without having used his or her fully accrued vacation days, shall be paid an amount, in lieu of unused vacation, as required by law.

Department heads have the ability to approve the use of un-accrued vacation time not exceeding a full year accrual. Employees, will not be allowed to carryover any more than 10 (ten) days to the next year; unless as otherwise approved by the Mayor.

Part-time employees who are scheduled on a regular basis and work at least twenty (20) hours per week will receive a pro-ration of vacation based on their work schedule. For example: a regular 30 hour per week employee with 3 years of service would receive 4 weeks (at thirty (30) hours for each week) of vacation per year at a monthly accrual rate of 10 hours.

Seasonal, Temporary, Intermittent, "960" and Part-time employees who work less than twenty (20) hours per week do not accrue or receive vacation time.

2. HOLIDAY LEAVE POLICY

Each full-time employee shall be granted leave with pay on the days designated for observance of the following holidays:

New Year's Day	Independence Day
Martin Luther King Day	Labor Day
Presidents Day	Columbus Day
Patriots Day	Veterans Day
Memorial Day	Thanksgiving Day
Bunker Hill Day	Thanksgiving Friday
	Christmas Day
	Christmas Eve (1/2 day)

Regular part-time employees who work twenty (20) hours or more receive holiday leave at a pro-rated amount. For example: If a regular thirty (30) hours per week employee is off on New Year's Day they would receive six (6) hours of leave with pay. The calculation for prorating is the amount of total hours divided by five (5) (5 is the standard amount of days in a week). This formula applies regardless of the amount of days a part-time employee is scheduled in a week.

Seasonal, Temporary, Intermittent, "960" and Part-time employees who work less than 20 hours per week do not receive leave with pay for holidays.

If a holiday occurs on a Saturday, employees will be compensated in the amount of one (1) additional day's pay at their base rate. Holidays which fall on a Sunday will be observed on the following Monday in accordance with state law. Non-exempt employees required to work on a holiday will receive pay at time and a half for the hours worked over and above forty (40) worked hours in the preceding work week. Exempt employees mandated to work on a holiday will receive a bonus of \$150.

If a holiday occurs during the vacation period of a full-time non-union employee, the employee shall not be charged a day of vacation.

The number of hours for which a non-exempt employee is paid on a holiday shall be considered time worked for overtime or compensatory time off purposes.

3. SICK LEAVE POLICY

Sick leave is a benefit limited to absences caused by physical or mental illness, injury, exposure to contagious disease, serious illness of a member of an employee's immediate family (consists of father, mother, brother, sister, spouse, child, spouse's father or mother, spouse's/partner's son or daughter, grandparent and grandchild and other members of the employee's household) or illness or disability arising out of or caused by pregnancy or childbirth.

Upon completion of ninety (90) days of continuous service with the City, full-time and regular part-time employees who work twenty (20) plus hours per week shall receive one (1) week of sick time. Said employees thereafter shall be granted sick leave at twenty (20) days annually, as provided by ordinance, without loss of pay for absences caused by legitimate illness or injury. Sick leave shall be accrued over a twelve-month period on the first of each month. Employees are able to carryover all of the unused sick time from the previous year. Department heads have the ability to approve the use of unaccrued sick time not exceeding a full year accrual (i.e.; 20 days).

An employee shall be entitled to sick leave without loss of pay if the employee has notified his or her supervisor, or designee, of the absence and cause thereof within one hour of the start of the workday, or as soon thereafter as possible. Sick time may be used in increments of one-half (.5) hours.

The City, in its exclusive discretion, reserves the right to request a written certificate from a City-selected physician, at the cost of the City, establishing incapacity after 10 days of

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absence, illness, or injury as a condition of payment of sick leave benefits. If an employee uses sick leave for purposes other than legitimate illness or non-work incurred injury, as

defined above, the employee may, at the City's discretion, be subject to discipline, up to and including discharge.

4. PERSONAL LEAVE POLICY

Benefit eligible employees, upon completion of ninety (90) days of continuous service shall be allowed to convert three (3) days of accumulated sick leave to personal leave.

The City will automatically convert three sick leave days to personal days on or about the first of each year. Personal leave shall not be cumulative but any unused personal leave shall be credited back to sick leave accumulation at the end of each year.

Application to use personal leave must be made to supervisors as early as possible and, except in an emergency, not less than one (1) working day in advance. Personal time may be used in increments of one-half (.5) hours.

5. PARENTAL LEAVE POLICY

Employees on an approved Parental Leave are granted two (2) weeks paid parental leave time; which does not impact accruals.

The City of Somerville grants parental leave in accordance with the provisions of MGL Chapter 149, Section 105D. All employees having completed three (3) months of employment of service shall be granted eight (8) weeks of parental leave without loss of seniority or benefits for the purposes of giving birth or adopting a child under age of eighteen or under age twenty-three if the child is mentally or physically disabled. Upon expiration of parental leave, employees will be restored to the same or a similar position. However, taking longer than the eight (8) weeks of parental leave may result in the denial of reinstatement or loss of other rights and benefits.

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In the event that an employee is eligible for both FMLA and parental leave, that employee's leave will be charged to both forms of leave simultaneously. (See Family and Medical Leave Policy)

Employees requesting leave pursuant to this policy must notify the City at least two (2) weeks prior to the anticipated leave unless the delay in notification is beyond the employee's control.

Employees are required to use any accrued sick, personal, or vacation time (benefit eligible employees) before entering an unpaid status during this period. If accrued sick, personal, vacation and compensatory leave extends beyond eight (8) weeks, employees will be entitled to use said leave up to a maximum of 12 weeks in total under FMLA. Employees must return when their leave expires if they are physically able or must provide a doctor's note stating their anticipated date of return.

6. WELLNESS RELEASE & CANCER SCREENING POLICY

The City provides benefit-eligible employees up to four (4) hours of "wellness release time" per calendar year. Prior to taking wellness release time, the employee must submit a request to his/her department head for approval. The four (4) hours of release time do not need to be taken at one time. (For example, an employee could request to take wellness release time to schedule a series of appointments with a dietitian during the lunch hour and the employee only needs to use 30 minutes of release time per week to travel to and from the appointment)

Additionally, the City provides a cancer screening program to benefit eligible employees for up to four (4) hours paid release time per year. Employees must submit proof of attendance to Human Resources for approval of said time.

7. BEREAVEMENT LEAVE POLICY

Employees shall be granted a leave of absence with pay in the event of a death in the immediate family. "Immediate family" shall consist of both biological, adoptive, and step

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father or mother and the employee's, brother, sister, spouse, child, spouse's father or mother, spouse's son or daughter, grandparent and grandchild. Such leave may extend from the time the employee receives notification of the death to the first workday following the day of the funeral or memorial service, not exceeding a period of five (5) days.

When a funeral or memorial service of an aunt, uncle, niece, nephew, spouse's brother or sister or spouse's grandparent or grandchild, or other members of the employees household occurs on a work day, the employee shall be granted one (1) day's leave with pay to attend the funeral or memorial service. In extenuating circumstances, department heads may grant up to three (3) days of leave with the approval of the Human Resource Department.

8. RELIGIOUS HOLIDAY POLICY

The City of Somerville does not discriminate against employees because of their religious beliefs. The City will make reasonable accommodation for the religious practices of individual employees, including modifying an employee's work schedule allowing him or her to have certain days off, as needed.

Employees who give ten (10) days' notice of an intended absence from work to observe a religious holiday or Sabbath will not be required to work that day, unless the department head can demonstrate that granting the holiday will cause the City undue hardship.

The City will not compensate an employee for time lost due to religious holidays. Employees may use personal or vacation days or take unpaid leave in order to observe religious holidays.

9. FAMILY AND MEDICAL LEAVE and SERVICE MEMBER LEAVE POLICY

In accordance with the provisions of the federal Family and Medical Leave Act (FMLA), employees having completed at least twelve (12) months of service and who have actually worked at least 1,250 hours during the preceding twelve (12) months shall be entitled to take up to twelve (12) weeks of unpaid leave annually for any of the following purposes:

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- (a) the birth of the employee's child, to care for the child within 12 months after the birth,
- (b) the employee's adoption of a child or the initiation of foster care,
- (c) the need to care for the employee's spouse, child, or parent with a serious medical condition,
- (d) the serious health condition that makes the employee unable to perform the functions of the job,
- (e) a qualifying exigency arising out of the fact that the employee's family member is on covered active duty in a foreign country (or has been notified of an impending call or order to covered active duty in a foreign country by the regular Armed Forces Reserves or National Guard).
- (f) a qualifying parental care exigency to care for the parent of a military members, or someone who stood in loco parentis to the military member, when the parent is incapable of self-care and the need for leave arises out of the military member's covered active duty or is called to covered active duty status.

If the employee is an eligible family member or next of kin of a covered service member, the employee can have up to 26 workweeks of "Service Member Family Leave" during a single 12-month period to care for a covered service member deployed or is being deployed to a foreign country who is:

- I. Undergoing medical treatment, recuperation, or therapy,
- II. Otherwise in outpatient status or
- III. On the temporary disability retired list, for a serious injury or illness or
- IV. To care for veteran who is undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment.
- V. Taking from five days up to a max of 15 days to spend time with a covered family member during rest and recuperation leave orders.

Employees requesting leave pursuant to this policy must notify the City at least thirty (30) days prior to an anticipated leave. If the need for such leave arises either from unforeseen or anticipated circumstances, an employee requesting leave must notify the City as soon as

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practicable. For purposes of calculating annual entitlement of such leave, the year shall commence on January 1 each year.

In order to be eligible for leave under this policy, employees shall provide certification from a health care provider to substantiate any leave due to the health condition of the employee or the employee's immediate family member.

The City will continue its contributions to group health plan premiums for employees on FMLA leave. Employees shall pay their applicable percentage of the premium while on such leave.

Employees on FMLA leave for the above-listed classifications must first use any accrued paid time off before entering an unpaid status. Such accrued time is to be used in this order: sick, personal, and then vacation. Employees shall continue to accrue vacation and sick leave while on FMLA leave. However, an employee will not be eligible to access any time accrued while on said leave until their return to duty.

Upon the termination of FMLA leave, employees shall be restored to their former or similar position. Before reinstatement, employees taking leave for (d) above must present a certification from a health care provider that the employee can return to work.

The City's full *Family and Medical Leave and Service Member Leave Policy* is available on the City website.

10. SMALL NECESSITIES LEAVE POLICY

In accordance with Massachusetts law, employees eligible under the Family and Medical Leave Act may take up to twenty four (24) hours of leave in a twelve (12)-month period. Employees are required to provide at least seven (7) days notice if the need for leave is foreseeable. The 12-month period begins with the beginning of the calendar year. Events for which leave may be used:

- Participation in school (including certain day-care facility) activities directly related to the educational advancement of a son or daughter of the employee;

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- Accompanying a son or daughter on routine medical or dental appointments; **or**
- Accompanying an elderly relative (i.e., at least 60 years of age and related by blood or marriage to the employee) on routine medical or dental appointments or appointments for other professional services relating to the elder's care.

Employees must use any accrued leave concurrently with Small Necessities Leave.

11. PATRIOTIC SERVICE LEAVE POLICY

MILITARY LEAVE

The City of Somerville recognizes the patriotic service rendered by many employees who belong to military reserve and guard units. Therefore, military leave will be granted to employees in accordance with the provisions of state and federal law. Employees are required to provide their department head with notice as soon as possible upon learning of military assignment that will require leave. Employees must also provide notice of an anticipated date of return and must provide a copy of leave related military orders to the Human Resource Department.

Employees who are involuntarily called to active duty or training will receive the difference between their regular base wages and their service wages. Pursuant to General Laws Chapter 33, Section 59; not exceeding thirty four (34) days in any state fiscal year and not exceeding seventeen (17) days in any federal fiscal year (October 1 – September 30).

JURY LEAVE

Employees required to serve on a jury shall promptly notify their immediate supervisor. The City shall pay regular compensation for jury service, providing that the employee provides appropriate documentation of jury service.

VOTING

Effective July 1, 2015, employees will be able to have up to one (1) hour of paid release time to vote in municipal, state and/or federal elections subject to departmental need and the approval of their department head.

12. HEALTH INSURANCE PLANS

The City's health insurance plan is administered by the Commonwealth of Massachusetts Group Insurance Commission (GIC). To be eligible for group health insurance through the GIC, an individual must be employed on a regular basis for at least twenty (20) hours per week and must contribute to a participating GIC retirement system (Omnibus Budget Reconciliation Act (OBRA) is not such a public retirement system for this purpose).

An eligible individual will have the option of selecting either individual or family health insurance coverage from among available GIC plans.

Eligible employees electing not to take insurance from the GIC must provide proof of insurance through another provider. Employees who have the option to enroll in a health insurance plan and chose not to, and are not covered by another entity, may be subject to applicable state and federal penalties.

For additional information concerning specific plan details and contribution rates, please contact the Human Resource Department's benefit team at x3320.

13. DENTAL INSURANCE

The City offers dental insurance to all City employees. The employee pays 100% of the premium. Please contact the Human Resource Department's benefit team for plan details at x3320.

14. LIFE INSURANCE

Employees who work twenty (20) hours or more per week regularly and retirees may elect to enroll in basic life insurance with a \$5,000 benefit, along with an accidental death and dismemberment benefit of \$5,000. Contributions by employees and retirees are 50%. Additional life insurance is available with participants paying full cost.

15. FLEXIBLE SPENDING ACCOUNTS (FSA)

Flexible Spending Accounts (FSA) allow employees to pay for certain medical, dental, and dependent care expenses with pre-taxed dollars, which means that taxable earnings are reduced so the employee pays less taxes on earnings thereby increasing the employee's take home pay. The maximum amount that can be set aside for health care expenses per calendar year is \$2,550; and the maximum that can be set aside per calendar year for dependent care is \$5,000. Employees are eligible to participate upon hire (based on the benefits eligibility criteria), enroll/reenroll each November for an effective date of January 1st or if an employee has a qualifying event during the year. For more information please contact the Human Resource Department's benefits team at x3320.

16. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

Permanent employees regularly working twenty (20) or more hours per week are covered under the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

HIPAA provides employees with certain rights that create a "portability" of health coverage from one employer to the next. This does not mean that an employee can take his or her current health plan into a new employment situation. It means that an employee can receive "credit" for prior coverage when joining a new plan that may have waiting periods for pre-existing conditions. This requires a transfer of prior coverage information from the old employer to the new employer. The insurance company will provide a full certificate of coverage to each employee who loses health insurance coverage. The certificate of coverage provides: the date of the certificate; identifying information, including the name

of the employee; the employee's health plan identification number; names of dependents to whom the certificate applies; name of group health plan; name of employer; name, address, phone number of issuer of plan administrator; and first and last day of creditable coverage. This certificate will be issued whenever an individual loses health coverage or would lose coverage except for an election under Consolidated Omnibus Budget Reconciliation Act (COBRA).

Group health and dental benefits and premium rates for individuals electing continuation are the same as for active employees and their dependents plus an administrative charge. Individuals electing continuation must pay the entire monthly premium amount in advance.

Employees will be notified of their COBRA rights upon employment and at the time of a qualifying event as explained above. Employees are individually responsible for keeping the City informed of any address changes or other pertinent information regarding themselves and their dependents.

17. CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires employer-sponsored group medical and dental plans to allow covered employees and their dependents to elect to have their current medical coverage continued at the employee and dependents' expense, at group rates.

Typically, the event that qualified the employee determines how long they are eligible to remain on COBRA:

Termination of employment	18 Months
Reduction in hours of employment	18 Months
Death of employee	36 Months
Divorce or legal separation	36 Months
Loss of dependent status	36 Months

Employees who experience the following qualifying events will be permitted to continue group medical and dental coverage for the terms listed above:

- (a) an employee whose coverage terminates due to a reduction in work hours or termination of employment, other than termination due to gross misconduct;
- (b) a spouse and dependent children who lose eligibility for coverage under the group plan as a result of:
 - (1) divorce or legal separation
 - (2) the employee's death, termination of employment or reduction of work hours
 - (3) loss of dependent child status due to age or marriage

Continuation is not available to persons who are covered under another group plan or eligible for Medicare.

18. DEFERRED COMPENSATION

A tax sheltered savings program, which excludes contributions to the plan from gross income for federal personal income tax purposes, is available to employees. To begin a pre-tax retirement savings plan, please contact the Treasurer's Office x3500.

19. SECTION 125 TAX BENEFIT

Employees who participate in the City's Health, Dental and/or Life Insurance programs are eligible for Section 125 Benefits.

The Section 125 Benefit is an IRS Authorized Benefit that enables employees to pay for their premiums or the above noted benefits on a Pre-Tax Basis rather than a post-tax basis.

20. TRAINING & PROFESSIONAL DEVELOPMENT

The City strives to provide opportunities for on-going training to employees in the specifics of their particular positions and to assist in the upgrading of necessary job skills. In some situations, the training is required by law. In other cases, the training is on a departmental basis subject to funding.

Department heads should budget anticipated trainings, conferences, and seminars including but not limited to certifications, licensures, and mandatory trainings as part of the annual budget.

It is recognized that there may be unanticipated professional development opportunities during the year that have not been budgeted at the department level, and to that extent the Human Resource Department maintains a limited fund for this purpose. Such professional development opportunities require approval from the department head and the Director of Human Resources and is subject to available funds.

21. OFFICIAL TRAVEL

The City's Auditing Department maintains a business travel policy for employees on official city business which covers potential reimbursement for mileage, tolls, meals, parking and other approved business-related travel expenses. For more information, please see your department head, the Auditing Department x3200 or Human Resources.

22. CREDIT UNION

Employees who are members of the Somerville Municipal Federal Credit Union may make their contributions to the credit union account through a payroll deduction plan. To join the credit union, either visit or call the office located at 236 Holland Street, Somerville, phone number (617) 625-0898.

23. RETIREMENT PLAN

While working for the City, you will not contribute to Social Security. Membership in the Somerville Contributory Retirement System is mandatory for individuals employed on a permanent full-time basis, and for certain individuals employed on a part-time or temporary basis. Members of the system contribute at various percentage rates, depending on their date of employment, and are eligible, depending on their age, years of service, their physical condition and its relationship to their job, for superannuating ordinary disability and accidental disability retirement allowances. Each type of retirement includes the opportunity to exercise options relative to beneficiaries. Survivor and accidental death benefits are also available. The contributory retirement law is administered in the City by the Somerville Retirement Board. A representative of the Board will provide descriptive literature and further information at scheduled orientation sessions and the staff of the Retirement Board are available for consultation on request.

Contact information for the Retirement Board is:

Somerville Retirement Board
City Hall Annex
50 Evergreen Avenue
Somerville, MA 02143
(617) 625-6600 ext. 4600

24. WORKERS' COMPENSATION

To preserve your rights under state law, an employee must notify the City immediately if involved in an on-the-job accident that results in personal injury. Employees injured on the job are protected against loss of income and medical expenses by provisions of Massachusetts law. Employees receiving workers' compensation benefits may, upon request, receive vacation, sick or personal leave accrued at the time of injury to supplement their workers' compensation benefits up to the amount of base wages received each week before the injury. The Family Medical Leave Act (FMLA) will run concurrent with any substantiated Worker's Compensation Claim.

25. MBTA PASS PROGRAM

The City offers employees the benefit of receiving monthly MBTA passes through payroll pre-tax deduction in accordance with IRS guidelines. For details please contact the Human Resource Department at x3300.

26. UNEMPLOYMENT COMPENSATION

State law requires the City to reimburse the Commonwealth of Massachusetts for unemployment benefits paid to qualified former employees. It is the responsibility of individuals to file claims with the Division of Employment and Training and the City reserves the right to contest claims.

27. EMPLOYEE ASSISTANCE PROGRAM

All City employees and their family members are provided services through the City's Employee Assistance Program (EAP). This benefit, currently provided by E4Health, offers a wide array of counseling and support services that can be viewed on the EAP website at www.lifescopееap.com (username: City of Somerville password: guest) or accessed by calling EAP staff at 1-800-227-2195. Please consult the Human Resource Department for brochures and other information.

PART VI

PERSONNEL POLICIES

The City's personnel policies are designed to establish a system of human resource administration based on principles of uniformity, fairness and efficient application to all City employees.

All departments and positions shall be subject to the provisions of these policies with the exception of positions covered by an employment agreement, under the jurisdiction of the School Committee and the Somerville Retirement Board. Elected positions and certain positions for which compensation is on a fee basis or in which the incumbents render intermittent or casual services are also accepted.

These policies are intended to be in accordance with all applicable state and federal laws. In the event that these policies are inconsistent with the applicable state or federal law the applicable law shall apply.

1. CONFLICT OF INTEREST LAW

The "conflict of interest law" (M.G.L. Chapter 268A) is designed to ensure that a public employee's private financial interests and relationships do not conflict with their public obligation to act objectively and with integrity. The law is broadly written to prevent a public employee from becoming involved in a situation that could result in a conflict, or give the appearance of a conflict. The law covers what employees may do on the job, after hours in a private capacity, and even after they leave public service. Additional information on provisions of the law may be obtained from the Law Department x4400.

Employees required by law, regulation, or by their position, to maintain registration, license, or certification, are personally responsible for acquiring and maintaining such documentation.

2. STANDARDS OF CONDUCT

The City believes that its employees are responsible citizens who understand and respect the rights and property of their fellow employees and of the City. However, when large groups work together, reasonable rules are necessary to ensure orderly conduct. To this end, the City has established and may from time to time amend or add such rules, as it considers reasonable and necessary.

Employees are expected to comply with rules established by the City. Failure to do so may result in discipline up to and inclusive of discharge.

3. PROHIBITED CONDUCT

The violation of any of the following rules may result in disciplinary action ranging from oral reprimand to discharge:

- Insubordination
- Tardiness or absenteeism
- Absence from duty without permission
- Failure to report immediately to the supervisor any job-related accident or injury or unsafe working condition
- Failure to report an off-the-job-accident or injury which may affect the performance of your job
- Smoking in restricted areas
- Gambling during work or on City property
- Working on personal business or projects on City time
- Creating or contributing to unsanitary or disorderly housekeeping conditions
- Failing to notify the City promptly when you will be absent from work or late to work
- Soliciting employees while either the person being solicited or the person doing the soliciting is on work time. This applies to selling of any type; solicitation of memberships, pledges, or subscriptions; circulating petitions; or collecting money.

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- Conduct that endangers you or another employee
- Unauthorized use of City tools, equipment, telephones, postage or other City property
- Failure to use safety equipment required by the City or to comply with safety rules
- Remaining on or coming onto City work premises during off-duty hours for purposes other than work
- Sleeping, loafing on the job, engaging in horseplay, throwing anything that may harm another, playing jokes or otherwise distracting or startling others, acting in a disorderly manner or being away from your work station unnecessarily
- Refusal or failure to carry out instructions fully or to perform work assignments as required by supervisory personnel
- Gross negligence or abuse resulting in the damage or destruction of tools, machinery, equipment, products, materials, or other property belonging to the City or to others
- Removing City property from the work site without written authorization
- Operating or tampering with City equipment which you have not been authorized to use or repair
- Restricting work production, encouraging or persuading others to restrict work production or supporting an interruption of work
- Divulging confidential information to an unauthorized person or making any disclosure of confidential information regarding the City to any person, agency, publication, and radio or television station, or internet without authorization from the City.

The following are examples of behavior that may result in either disciplinary action including a final written warning or immediate discharge:

- Stealing
- Workplace violence
- Use, sale, or possessions of drugs
- Conduct unbecoming of a public employee
- Unauthorized use of City equipment or property
- Failure to report an accident involving City property
- Failure to follow department specific safety rules

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- Possession of a weapon unless authorized by the Mayor
- Falsifying records, documents, applications, et al.
- Obtaining materials or tools on fraudulent orders or misrepresentations
- Consuming alcohol (except for where approved by the Mayor), drugs, or narcotics at work or working on the job under the influence of alcohol, drugs or narcotics
- Carrying explosives or unauthorized weapons onto a work site
- Deliberate action causing damage or destruction or waste of tools, machinery, equipment, product, materials or other property belonging to the City, a City official or to a fellow worker
- Immoral or indecent conduct on a work site, including abusive or threatening language to any employee and the making of false or malicious statements or defaming another employee, City official or the City
- Stealing or hiding any property of other employees, persons or the City
- Being absent three (3) consecutive working days without calling in, unless extenuating circumstances prevent such notification
- Abusive conduct toward a fellow employee, City official or member of the public

Please remember these are only examples of violations that may result in disciplinary action or immediate discharge. Other situations may arise that may also result in discipline or discharge. These lists are meant to provide examples and are in no way intended to be exhaustive or inclusive.

4. POLITICAL ACTIVITY

The Federal Hatch Act, and State Ethics Commission, as well as the Massachusetts Office of Campaign and Political Finance (OCPF) restrict political activities of public employees. During work hours, employees may not work or be assigned to work for or on behalf of a political candidate or activity, or participate in other political activity such as lobbying, collecting funds, making speeches, assisting at meetings, doorbell ringing or distributing political pamphlets. Under no circumstances may an employee participate or allow his or her name to be used in any form of fundraising for a political candidate or activity, other

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than in making a personal donation. All City employees shall comply with the Hatch Act, OCPF and State Ethics Commission requirements, where applicable. Furthermore, no City employee shall use City resources such as property or equipment for political activities at any time.

5. DRESS CODE

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. When job responsibilities place employees in direct contact with city officials, state officials, legislators or the public, they represent the City with their appearance as well as their actions. The properly attired individual helps to create a favorable image for the City.

Examples of appropriate business attire for women are suits, dress pants, sweater or sweater sets, dress shirts, dresses/skirts, khaki pants, shoes and dress boots.

Examples of appropriate business attire for men are suits, dress pants, ties, sweater, sport jacket, collared shirt and/or khaki pants, shoes and dress boots.

The following clothing is not appropriate attire: Any type of ripped clothing, non-uniform tee shirts, baseball hats, shorts, sweat clothes, halters, tank tops, spandex, low neckline front or back, flip flops, slippers, jeans, clothing with words, pictures or scenes that would be disruptive to the work environment, excessive piercing, sneakers (unless medically necessary).

The employee's department head in consultation with the Human Resources Director will address situations in which inappropriate attire is worn. Employees who are improperly attired may be required to leave work to change their attire.

6. PERFORMANCE EVALUATION

Employees are entitled to an annual review of their performance, to be completed by their respective department head. The purpose of these evaluations will be to identify best practices, encourage dedication and innovation and identify deficiencies, if any, in performance so that measures may be taken to improve future performance. Merit increases must be accompanied by a signed review and are subject to appropriation.

8. AMERICANS WITH DISABILITIES POLICY

In order to promote an environment free of discrimination and harassment for individuals with disabilities and to ensure that the City complies with all federal and state laws concerning qualified individuals with disabilities, the City is establishing these uniform guidelines and policies which apply to all staff.

I. MISSION STATEMENT

The City is committed to providing reasonable accommodations for qualified individuals with disabilities in a fair and equal manner and in accordance with applicable federal and state law unless doing so represents an undue hardship for the City.

II. DEFINING DISABILITY AND THE NATURE OF THE CITY'S OBLIGATION

A. Disability

According to the ADA, a “disability” means:

- “a physical or mental impairment that substantially limits one or more of the major life activities of the individual.
- A record of such impairment.
- Being regarded as having such impairment.”

B. Qualified Individual With A Disability

A person with a disability who satisfies all of the objective requirements of his or her position whether or not this individual receives a reasonable accommodation is considered a qualified individual. This means he or she has all of the required skills, education, experience and other job-related requirements and can do all of the “essential” or main job functions whether or not he or she is accommodated.

C. Reasonable Accommodation

The City will provide reasonable accommodations to staff with disabilities upon request unless doing so would create an undue hardship or burden.

D. Undue Hardship

If the requested accommodation –

- requires significant difficulty, expense, and disruption, both financial and administrative; and/or
- would result in a fundamental alteration of the City’s policies and procedures and/or the nature of the job functions; and/or
- will compromise the health and safety of staff and residents,

the accommodation therefore presents an undue hardship and can be denied.

III. PROCEDURE FOR OBTAINING AN ACCOMMODATION

If an employee has a documented *disability*, is a *qualified person* and needs a *reasonable accommodation*, he or she must initiate the request by contacting either a supervisor, the Human Resources Director or the ADA Coordinator. An interactive process will get underway and all appropriate parties will work together to identify what barriers exist to the employee’s job performance with the goal being to get the employee a reasonable accommodation, if feasible. Managers and supervisors should not attempt to resolve the issues on their own without input from the Human Resources Director or his or her designee.

IV. RIGHTS AND RESPONSIBILITIES

A. Duty To Report Reasonable Accommodations Requests

Managers, supervisors, staff and other personnel have an obligation to refer accommodation requests to either the Human Resources Director or the ADA Coordinator. If you have any questions regarding where, whether or how to refer a reasonable accommodation request, please contact the Human Resources Director. Failure to report may subject individuals to adverse employment actions.

B. Obligation To Cooperate With Inquiries And Investigations

All staff must cooperate fully with investigations. Failure to do so may subject individuals to adverse employment actions.

C. Retaliation Is Illegal And Is Prohibited

Staff and residents with disabilities have a legal and protected right to request a reasonable accommodation without fear that such request would lead to retaliation. It is a violation of the law and the City's employment policies which carry consequences to retaliate against an individual for requesting an ADA accommodation.

D. Confidentiality Will Be Maintained To The Fullest Extent Possible

In accordance with the ADA, the City will protect and maintain the privacy and confidentiality of any medical information received in connection with the reasonable accommodation process. This means that the information will only be shared with those individuals empowered to grant the request and will be kept separately and securely.

9. ANTI-HARASSMENT POLICY

It is the goal of the City of Somerville to promote a workplace that is free of unlawful harassment or discrimination based on sex, sexual orientation, race, color, religious creed, national origin, ancestry, genetics, veteran's status, disability, age or any other "protected category". The City prohibits such harassment or discrimination, whether at the office, in outside work assignments or at City-sponsored social or nonsocial functions, events or programs. Should such harassment or discrimination occur the City will take appropriate corrective action to prevent its continuation and/or recurrence. In addition, the City will make an effort to prevent the harassment or discrimination of its employees by persons who are not City of Somerville employees, but who are on the City's premises or who have a business or other relationship with the City.

The City of Somerville is committed to maintaining a work environment in which employees are treated fairly and in accordance with all applicable laws. Through enforcement of this policy, the City strives to prevent inappropriate conduct that could be considered harassment or discrimination, including sexual harassment. In addition, the City is committed to correcting any inappropriate conduct and those who violate this policy will be subject to disciplinary action up to and including termination of employment.

All employees of the City, regardless of position, are covered by, and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. This policy also extends to City property, including but not limited to its telephones, copy machines, facsimile machines and computers and computer applications, such as email, internet access, and social media. City property shall not be used to engage in conduct that violates this policy.

DISCRIMINATION DEFINED

Unlawful discrimination occurs when an employee is subjected to harassment and/or unequal and unfair treatment because of his or her membership in a protected category. It is against City policy to engage in physical, visual, verbal and non-verbal conduct that degrades or shows hostility or unfair treatment toward an employee because of an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, disability or any other basis protected by federal, state, or local law or ordinance.

A. Unfair Treatment

The City is committed to the principle of equal opportunity and equal treatment for all of its employees. Arbitrary, different and unequal treatment based on an employee's membership or perceived membership in a protected category is illegal and is prohibited.

Personality differences or conflicts with co-workers and/or treatment not based on one or more protected categories are considered employee relations issues and are handled accordingly.

B. Harassment

Workplace harassment is any unwanted or undesirable conduct that puts down or shows hostility or an aversion toward another person based upon membership or perceived membership in a protected category in the workplace. Harassment includes communicating, sharing or displaying written or visual material, including material or comments intended as humor, or making verbal comments that are demeaning or derogatory to a person because of his or her sex, sexual orientation, race, color, religious creed, national origin, ancestry, age, genetics, membership in the military, veteran's status or disability. The use of any City facilities to disseminate, duplicate or display such materials is prohibited.

Harassment includes but is not limited to:

- Verbal harassment, e.g., epithets, derogatory comments or slurs;
- Physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual;
- Visual forms of harassment, e.g., derogatory posters, cartoons, or drawings.

Examples of unwelcome conduct prohibited by this policy include but are not limited to:

- Conduct that unreasonably interferes with an individual's work performance, that creates an intimidating or offensive work environment, that adversely affects an individual's employment opportunities and that implicates an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, disability or any other basis protected by federal, state, or local law or ordinance.
- Hostile physical contact, intimidating acts, threats of such actions or violence, or any other actions that may be considered threatening or hostile in nature and that implicates an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, disability or any other basis protected by federal, state, or local law or ordinance.
- Derogatory remarks, epithets, slurs, negative stereotyping, offensive jokes, teasing, the display or circulation of offensive printed, visual or electronic materials or similar misconduct that implicates an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, disability or any other basis protected by federal, state, or local law or ordinance.

C. Sexual Harassment

It is the goal of the City to promote a safe work environment free of sexual harassment and to enforce adherence and compliance with all state and federal laws pertaining to sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated.

The legal definition for sexual harassment in Massachusetts is as follows:

“Sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature where:

(a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;

or

(b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

For example, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment or discrimination.

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

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While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or verbal references to sexual conduct, gossip regarding one's sex life; comment(s) on an individual's body, comment(s) about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body or other inappropriate contact, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

An employee does not have to be the direct recipient of the unwelcome and offensive conduct in order to file a complaint. Anyone affected and/or offended by the conduct can file a complaint.

Sexual harassment need not be restricted to the actual workplace or City property. It could occur at any City-sponsored work program, conference, or activity where employees are in contact with each other.

There is no legal requirement that the alleged victim personally confront the harasser to ask him or her to stop. However, the alleged harassment must be reported in a timely fashion to ensure that the rights of both the person making the allegation as well as the accused are respected.

All City employees are responsible for reporting incidents of possible sexual harassment. Managers and supervisors must promptly investigate and report to the Human Resource Department any allegation of sexual harassment brought to their attention.

RIGHTS AND RESPONSIBILITIES

A. Employee Responsibilities

1. Personal Conduct

Each employee of the City of Somerville is personally responsible for ensuring that his or her conduct does not harass or discriminate against any other employee or non-employee in the workplace.

2. Duty to Report

Employees are strongly encouraged to report any instances of unlawful discrimination and harassment of which they have knowledge either to their superiors or to the Human Resource Department.

3. Duty to Cooperate

Each employee must cooperate in any investigation of alleged harassment if requested to do so by the person conducting the investigation. Likewise, refusal by an employee to cooperate with an investigation of a complaint of discrimination or harassment may subject that employee to disciplinary action.

B. Management Responsibilities

It is the responsibility of all management personnel to strictly enforce the terms of this policy. Supervisors, managers, or department heads who become aware of incidents of harassment or discrimination in their departments, even in the absence of a formal complaint, should take appropriate actions to eliminate the conduct. Supervisors and managers should seek further information and guidance from the Human Resource Department.

C. Employee Rights

1. Right to a Workplace Free of Harassment and Discrimination

All employees have the right to work in an environment free of unlawful discrimination and harassment. In addition, all employees have the right to equal opportunity.

2. Right to File Complaint

If any City employee believes that s/he has been subjected to harassment or any type of discrimination, the employee has the right to file a complaint. This may be done in writing or orally. City Employees may file a complaint by contacting the Director of Human Resources, or by contacting their direct supervisor. These persons are available to discuss any concerns you may have and to provide information to you about the City's policy on harassment or discrimination and its complaint process.

3. Freedom From Retaliation

All City employees have the right to file a complaint or bring to light any instance of discrimination and harassment under this policy without fear that they could be subject to adverse employment actions. Any retaliation against an individual who has either complained about harassment and/or discrimination or has cooperated with the investigation of a complaint is unlawful and will not be tolerated. The filing of a complaint and participation in the investigation are protected activities under the law. Therefore, any retaliation for engaging in these activities also violates the law.

Any employee found to have violated this policy will be subject to disciplinary action which could include termination of employment.

4. Confidentiality

While the City cannot guarantee complete confidentiality given the nature of the investigatory process, to the extent possible, the City will respect and protect the privacy and confidentiality of any employee involved in the filing of a complaint and/or its investigation. However, employees should be advised that the issue of confidentiality will be balanced against the City's legal obligation to investigate and to take appropriate remedial action.

COMPLAINT PROCESS AND PROCEDURE

A. Investigation

When the City receives a complaint, the City will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The City's investigation will include a private interview with the person filing the complaint and with witnesses. The City will also attempt to interview the person alleged to have committed the harassment or discrimination. When the City has completed the investigation, the City will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the result of that investigation.

Because the City takes allegations of harassment or discrimination seriously, it will respond promptly to complaints of harassment or discrimination and, where it is determined that such inappropriate conduct has occurred, will act promptly to prevent the conduct from continuing or reoccurring and impose such corrective action and/or disciplinary action as appropriate and necessary.

B. Discipline or Remedial Action

If it is determined that inappropriate conduct has been committed by one of our employees, the City will take such disciplinary action as is appropriate under the circumstances. Such action may range from counseling to termination of employment.

Please note that while this policy sets forth the City's goals of promoting a workplace that is free of harassment and discrimination, the policy is not designed or intended to limit the City's authority to discipline or to take remedial action for workplace conduct which it deemed unacceptable, regardless of whether that conduct satisfies the definition of harassment or discrimination.

ADDITIONAL RESOURCES

In addition to the above, if you believe that you have been subjected to unlawful harassment and/or discrimination, you may file a formal complaint with either or both of the government agencies set forth below. Please be advised that both agencies have a statutory time period for filing a claim (EEOC –300 days; MCAD –300 days). The statutory time period begins to toll or accrue from the date the alleged discriminatory act occurred, unless the act is of a continuing nature.

The United States Equal Employment Opportunity Commission (“EEOC”)

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

Phone: (800) 669-4000

The Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office:

One Ashburton Place, Room 601
Boston, MA 02108
(617)727-3990

Worcester Office

Worcester City Hall
455 Main Street, Room 101
Worcester, MA 01608
(508) 799-8010
(508) 799-8490 - FAX

Springfield Office:

436 Dwight Street
2nd Floor, Room 220
Springfield, MA 01103
(413) 739-2145

New Bedford Office

800 Purchase Street
Room 501
New Bedford, MA 02740
(508)990-2390

9. ALCOHOL AND DRUG POLICY

The City of Somerville has a strong commitment to its employees to provide a safe work place and to establish programs promoting high standards of employee health. Consistent with the spirit and intent of this commitment, the City of Somerville has established drug and alcohol use or abuse policies designed to establish and maintain a work environment that is free from the effects of alcohol and drug abuse.

Employees of the City of Somerville are visible and active members of the communities in which they live and work. They are inescapably identified with the City and are expected to represent it in a responsible and credible fashion.

While the City of Somerville has no intention of intruding into the private lives of its employees, the City does expect employees to report for work substance free and in a condition able to perform their duties fully and satisfactorily. The City recognizes that an employee’s involvement with drugs and alcohol – either on or off the job can have an adverse impact on workplace safety and productivity, as well as undermining the City’s goal of maintaining an alcohol and drug-free work environment.

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The illegal use, sale, or possession of narcotics, drugs, or other controlled substances, while on the job or on City property, is an offense that warrants disciplinary action, up to and including discharge. Any illegal substances will be turned over to the appropriate law enforcement agency.

Employees who are involved with off-the-job drug activity may be considered in violation of this policy.

Examples of drugs that are illegal under federal, state or local laws include, among others, marijuana, opiates, hashish, cocaine, hallucinogens, amphetamines, depressants, Phencyclidine, and any other controlled substance.

Department heads should refer to the Director of Human Resources any employee who is suspected of being under the influence of alcohol and/or drugs, either on the job or when reporting for work, or consumes alcohol or uses drugs during work hours. The Director of Human Resources will send any such employee for an immediate drug/alcohol test accompanied by another employee. Anyone who refuses to submit to testing should be advised that refusal will be treated the same as a positive test and subject to Final Written Warning / Last Chance with mandatory treatment or discharge.

Employees must follow the directions of their healthcare provider concerning prescription medications, and must immediately notify their supervisors of their use of prescription drugs that could affect job performance. Employees engaged in safety functions that do not report such use prior to commencing work would be considered to have violated the policy on drug use and will be disciplined accordingly. Employees using prescription drugs will be required to produce documentation of their prescriptions. In addition, the testing facility must be notified of any prescription drug or over-the-counter drug use at the time of any testing or screening for controlled substances.

Any employee who, while on City property or during that 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, or in his/her locker or desk or other repository any

not medically authorized drugs or open container of alcohol, 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 discharge, will be imposed.

The City maintains an Employee Assistance Program (EAP), which is available to employees who wish to seek treatment for substance abuse. The City will have no knowledge of the employee's participation in the EAP because the program is entirely confidential. Employees who choose to utilize the services of the EAP are not excused from their job duties and will still be subject to discipline for violations of the City's drug and alcohol policy. Additional information pertaining to the City's EAP may be obtained through either the Human Resource Department or the City website.

10. SMOKING IN THE WORKPLACE

In accordance with the provisions of Massachusetts General Laws, Chapter 270, Section 22 and City Ordinance 6-3, there shall be no smoking permitted in any public buildings. Smoking will be permitted in a dedicated location. This policy is promulgated not only to comply with the law, but also for the purpose of promoting a safe and healthy environment in all work areas of the City of Somerville. It is intended to reduce the health risks associated with exposure to tobacco smoke.

11. INFORMATION TECHNOLOGY POLICY

The City of Somerville recognizes the importance of technology and access to information to enhance the City's efforts to provide its citizens the best and most efficient services. Accordingly, the City provides designated staff with the ability to send messages and information through radios, telephones, voice mail, fax mail, electronic mail, social media and the Internet. It is the City's policy that use of these capabilities is subject to the same management oversight as any other employee activity. The telecommunication systems (including privately owned devices that have been allowed to access the city network) are the property of the City and therefore all communications composed, sent, or received, are

the property of the City. The telecommunications and data systems (including privately owned devices that have been allowed to access the city network) should be used for appropriate business purposes.

USER RESPONSIBILITIES

It is the responsibility of any employee using the City's telecommunication systems (including privately owned devices that have been allowed to access the city network) to read, understand and follow this policy. In addition, users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of these systems. Any person with questions regarding the application or meaning of this policy should seek clarification from appropriate management, including but not limited to the employee's department head, the Director of Human Resources or the Information Technology Director. Failure to observe these policies could result in the loss of the privilege for the individual and others in the organization and may subject individuals to disciplinary action, up to and including termination of employment.

PROCEDURES

1. The telecommunications and data systems (including privately owned devices that have been allowed to access the city network) should not be used for any illegal activity, including but not limited to the transmission of copyrighted or trade secret material, proprietary financial information, or similar materials, without prior management authorization in writing. The transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity is strictly prohibited.
2. The City reserves the right to retrieve, read or otherwise access any electronic communications messages or other data stored on City owned equipment (including privately owned devices that have been allowed to access the city network) for any purpose without limitation including systems maintenance and compliance monitoring. Employees should not consider voice mail, fax mail, e-mail messages or Internet postings to be personal or confidential. Further, the use

of passwords for security does not imply confidentiality. All passwords are the property of the City. Electronic communications may be discoverable with or without notice, notwithstanding any password, even though messages have been deleted. Subject to certain exceptions in the law, electronic communications are also to be considered public records and may be subject to disclosure.

3. Data and messages directed to one or more employees or officials should be treated as confidential by other employees and should be accessed only by the intended recipient. Employees are not authorized to retrieve or read any messages or data that are not sent to them unless the intended recipient gives express permission. Also, employees should not use a code, access a file, or retrieve any stored information unless authorized to do so.
4. The telecommunications and data systems (including privately owned devices that have been allowed to access the city network) should not be used to create any offensive or disruptive messages or images. Among those, which are considered offensive, are any messages or images, which contain sexual implications, racial slurs, gender-specific comments, or any other comment which might constitute intimidation, hostile or offensive material based on one's sex, race, color, national origin, age, religion, sexual orientation or identity, or disability. Employees must not use the Internet to access pornographic, sexually oriented, or otherwise offensive or inappropriate websites.
5. Electronic communication (including but not limited to email and social media) users shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of the City unless expressly authorized to do so. Neither should they construct a communication so it appears to be from someone else (false identity). All other standards of conduct and ethics policies in this guide apply to social media communications as well.

Guidelines for Social Media

- All official City of Somerville social media accounts must be approved by the Communications Department and Social Media Manager.
- Any employee, intern, volunteer, or other individual who will be creating content and posting on an official City feed must meet with the Social Media Manager before starting to post.
- Any department or program with social media feeds must make sure the Social Media Manager has access to those feeds and is updated on any changed login or administrator changes.
- We encourage and appreciate City employees sharing appropriate City information and events on their personal social media accounts as it helps to further spread that information, and we respect employees' rights to free speech on their personal accounts.
- Examples of inappropriate City information that should not be posted include: City information that is not yet been made public, personnel matters, medical information, or other confidential information. If you are unsure if something is appropriate to post, check with your manager, Human Resources, Law, or the Social Media Manager.
- Because personal and professional tend to blur on social media, it is important for employees to make clear they are not representing the City on their personal accounts. This can be done in a variety of ways, and Human Resources and the Social Media Manager will assist with guidance on this as needed.
- There are many opportunities for professional development and networking online that provide benefits to employees and the City. Employees should be sensitive as to when they are speaking on their own behalf and when they are speaking in their official capacity on behalf of the City. Employees should talk with their manager about participating in such activities and remember to make clear when they are representing themselves, and not the City.

- **Any material contained on or forwarded from City equipment is a public document and may be subject to disclosure without your consent.**
6. Executable programs imported from other sites to City computers must not be used unless the Information Technology (I.T) Department has authorized them. Once authorized, they must first be subject to IT approved virus detection procedures. Private e-mail and websites accounts are not permitted on City computer systems.
 7. Upon request of a department head and with the approval of the Mayor, monitoring usage of telecommunications and data systems (including privately owned devices that have been allowed to access the city network) can and will be implemented to review employee productivity, investigate claims of criminal activity or violations of this policy as well as other legitimate business reasons.
 8. The City's electronic communications systems shall not be used for commercial promotion, product endorsement or political lobbying. However, political lobbying or other activities that may be deemed to be political in nature shall be permitted to the extent that such activities are a part of the official responsibilities of an employee, provided that such activities relate to political issues rather than directly relating to specific political candidates.
 9. Telecommunications and data systems should not be used for personal activities such as games, entertainment, and correspondence. Department heads should resolve any questions regarding the professional relevance of the use of telecommunications and data systems including the content of websites and email.
 10. Telecommunications and data systems that incur per-use fees, such as cellular telephones and their radio function, should be used to conduct city business only. Whenever possible, less expensive communications devices, such as landline telephones or electronic mail, should be used. Employees may be asked to reimburse the City for costs associated with inappropriate or personal use.

ENFORCEMENT

Employee use of the City's telecommunications and data systems (including privately owned devices that have been allowed to access the city network) constitutes consent to monitoring of said systems and is conditioned upon strict adherence to this policy. Any employee who violates this policy or uses the City's telecommunications and data systems (including privately owned devices that have been allowed to access the city network) for improper purposes may be subject to discipline, up to and including discharge.

Department heads and supervisors are responsible for ensuring that all of their employees using the City's telecommunications and data systems (including privately owned devices that have been allowed to access the city network) adhere to this policy and understand its applicability to their activities. This policy is not intended to replace day-to-day administrative procedures specific to each department's operational needs.

Additionally, the Information Technology Department maintains acceptable use policy for both City and personal devices. For more information, please contact the Information Technology Department x3250 or Human Resources.

12. WORKPLACE VIOLENCE POLICY

The City of Somerville maintains a strict policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, or anyone who conducts business with the City. It is the intent of the City to provide a workplace that is free from intimidation, threats or violent acts.

Workplace violence includes, but is not limited to harassment, threats, physical attack, or property damage. A threat is the explicit or implicit expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. A physical attack is an intentional, unwarranted physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is

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the intentional damage to property that includes property owned by the City, employees, or others.

PROHIBITED ACTIONS

It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined by the department head or Human Resources to be in violation will be subject to disciplinary action up to and including termination.

PROCEDURE FOR REPORTING THREATS

The City subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Each incident of inappropriate behavior, whether the incident is committed by another employee or by any non-employee such as a customer, vendor, or citizen, must be reported immediately to department managers. Relevant department heads will assess the incident and determine the appropriate action to be taken including whether or not to send an employee home. Department heads must inform the Human Resource Department of all reported incidents of workplace violence and will inform affected employees of their rights to have the Police Department notified.

In critical incidents involving serious threat or injury, employees and supervisors must promptly notify emergency responders such as police, fire and/or ambulance/EMT personnel. If warranted by the serious nature or scope of the incident, the Human Resource Department may assemble a Management Response Team that consists of staff from the Human Resource Department and may include staff from the affected department, the Employee Assistance Program, emergency responders, the Somerville Police and other agencies as deemed necessary.

The Management Response Team is responsible for establishing the protocol in the event of a threat or violent incident that may include but is not limited to:

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- Evaluating the potential violence problems
- Assessing an employee's fitness for duty
- Establishing a plan for the protection of co-workers and other potential targets
- Coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel
- Referring victims to appropriate assistance
- Assuring that immediate (within 24 hours) counseling is available to traumatized individuals

Any employee who acts in good faith by reporting real or implied violent behavior cannot be subject to any form of retaliation or harassment. Any action of this type resulting from a report of violence – including actions taken by supervisory personnel – should be reported to the Human Resource Department for investigation and decision regarding proper action.

DEPARTMENTAL SAFETY AUDITS

Whenever the physical layout of the workspace is significantly altered, the department head or designee will examine the escape routes of the work area and communicate any changes to all department employees. On an as-needed basis, the department head or designee may request an audit from the Human Resource Department in conjunction with the Police and / or Fire Department to determine available safety measures. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential or actual occurrence of a violent incident or other safety concerns.

**DETACH THIS PAGE AND RETURN
TO HUMAN RESOURCES**

Condition of Employment:

As a non-bargaining unit employee of the City of Somerville, I agree that I am responsible for reading and abiding by the non-bargaining unit employee guidebook's (REV 2) contents in their entirety.

I also agree to perform my job duties in a responsible manner and acknowledge that I am an employee "at will". I further acknowledge that the City of Somerville retains the right to modify, change and/ or cancel any procedures, benefits, and / or policies it deems necessary at any time with or without prior notice.

By signing below, I further acknowledge that the materials presented in this guidebook are not all-inclusive and are subject to change by the Mayor.

EMPLOYEE NAME (please print) _____

Employee signature _____

Date _____