

## PERSONNEL BY-LAW

### Section 1 Application of this by-law

- 1.1 It shall be the policy of the Town of Holland to guarantee equal opportunity to all qualified applicants and to all employees with respect to initial appointment, compensation and general working conditions without regard to age, race, color, creed, sex, national origin or physical condition.
- 1.2 This by-law shall apply to all town employees, excluding school personnel and positions which are filled by popular election, and those which are covered by separate agreements between any association of employees and the Town, developed through collective bargaining. All provisions of this by-law shall be applicable insofar as any collective bargaining agreement may refer to this by-law and to the extent applicable by statute or in the absence of any other provisions.

### Section 2. Definitions

- 2.1 **Full Time:** an employee whose regular and continuous work schedule consists of at least 20 hours per week. Full time employees may be paid either a salary or an hourly rate.
- 2.2 **Part Time:** an employee whose regular and continuous work schedule averages less than 20 hours per week, or less than 1040 hours a year, or less than 52 weeks a fiscal year Part time employees are paid an hourly rate
- 2.3 **Pay Week:** most employees are paid on a weekly or biweekly basis depending on their department assignment. The payroll period begins on Friday and ends on Thursday. Pay checks are available on Wednesdays.
- 2.4 **Elected official:** serves the townspeople, performing the duties required for that position, overseeing its department, and receives compensation as voted by Town Meeting,
- 2.5 **Immediate Family:** includes an employee's spouse, children, parents, sister, brother, parents of spouse, grandparents, grandchildren, or any other person permanently residing with the family of an employee
- 2.6 **Retiree:** an employee who leaves all government employment after age 55, whose last government employment was for the Town of Holland, who worked full time at least 10 years f or the Town of Holland and/or qualified for a County or Mass Teachers' pension, or act anything thereto. (approved 6-30-05)

Approved as amended (?)

### Section 3. Classifications

- 3.1 Full Time employees are eligible for benefits, subject to the terms, conditions, and limitations of each benefit program. Salaried personnel are not eligible for overtime pay
- 3.2 Hourly employees who are required by their department head to work in excess of forty hours in the seven-day pay week, shall be compensated at the rate of time-and-one-half (1 1/2) for all hours in excess of forty in that week.
- 3.3 If an employee is paid by more than one department, the total hours scheduled and worked for the Town for a week will determine eligibility for benefits and overtime. If the employee is classified as full time (working 20 hours a week) and entitled to pay for leaves, these hours will be paid by

the departments in proportion to the hours worked by that employee in each department.

- 3.4 The department head will notify the Treasurer of the status of the position for any new employee
- 3.5 The following leave programs are available to full time employees: Vacation, Holidays, Bereavement, Personal Days, and Sick Days
- 3.6 Leave time, except for holiday leave, will not be counted as "time worked" for figuring overtime pay. Leave time will be paid as regular hours.
- 3.7 The following benefits are available to full time employees: County Retirement, Insurance (Medical, Life, Dental, Disability), Voluntary Deferred Compensation 457 Plan.
- 3.8 New employees must meet with the Treasurer to discuss their benefit options during the FIRST WEEK of employment

#### Section 4. HOLIDAYS

- 4.1 Full time employees will be paid for 14 holidays at their regular rate
  - 4.1.1 (11) per Mass General Law---
    - 4.1.1.1 July 4<sup>th</sup>/Independence Day
    - 4.1.1.2 Labor Day
    - 4.1.1.3 Columbus Day
    - 4.1.1.4 Veteran's Day
    - 4.1.1.5 Thanksgiving
    - 4.1.1.6 Christmas
    - 4.1.1.7 New Year's Day
    - 4.1.1.8 Martin Luther King Day
    - 4.1.1.9 President's Day
    - 4.1.1.10 Patriot's Day
    - 4.1.1.11 Memorial Day
  - 4.1.2 (3) Floating days-under the discretion of the department head
- 4.2 Any holiday falling on a Saturday or Sunday shall be given on the day as determined by the Board of Selectmen.
- 4.3 Holiday hours will be considered as hours worked in calculating weekly overtime.
- 4.4 Full-time Police or Fire Department personnel performing scheduled duties or called in on holidays will be paid for the hours worked, plus an extra day's pay at current straight-time rate.

#### Section 5. VACATIONS

- 5.1 Full-time employees will be granted annual vacations with pay in accordance with the following schedule:
  - 5.1.1 Less than one year of employment-one half day per month, not to exceed five working days
  - 5.1.2 One year of employment, but less than three years-two weeks
  - 5.1.3 Three years of employment, but less than ten years-three weeks
  - 5.1.4 Ten years of employment, but less than twenty years-four weeks

- 5.1.5 Twenty years and over-five weeks
- 5.6 An employee's length of service on June 30 will determine the amount of vacation leave to which the employee is credited for the next fiscal year
- 5.7 The vacation time credited is only to be used from July 1<sup>st</sup> through June 30<sup>th</sup>.
  - 5.7.1 Vacation days must be used in the year they are granted or they will be forfeited.
  - 5.7.2 Vacation time may be used by hourly employees to offset the loss of pay due to
  - 5.7.3 Town Hall closings for weather or voting.

## Section 6. SICK LEAVE

- 6.1 Sick leave with pay will be granted to full-time employees following a 90-day probationary period.
- 6.2 Sick leave may be used only in instances when an employee is out of work due to illness or medical appointments. Also an employee may use up to 3 days of sick leave per fiscal year for the birth, adoption or foster care of a child, or to care for an immediate family member with a serious health condition.
- 6.3 Use of sick leave for other than the above stated reasons will result in loss of pay
- 6.4 Employees shall be entitled to 5 sick days per fiscal year
  - 6.4.1 Sick days may be used in one-half or whole day increments
  - 6.4.2 Sick days may be accumulated up to 30 days.
  - 6.4.3 Sick leave is not paid if the employee is terminated or resigns.
- 6.5 After three consecutive working days of absence from the job, an employee on sick leave may be required to present a physician's statement indicating the nature of such sickness, illness or non-occupational job related injury.
- 6.6 Department heads are responsible for maintaining records of sick leave days accumulated and used for all eligible employees in the department.

## Section 7. PERSONAL LEAVE

- 7.1 Three (3) days of personal leave may be taken by full-time employees.
- 7.2 Personal days may be taken in one-half or whole day increments.
- 7.3 Personal leave may be taken for matters that must be done during the regular work day.
- 7.3 Pay will not be granted in lieu of unused personal days.

## Section 8. LEAVE OF ABSENCE

- 8.1 A leave of absence may be granted by the department head and shall be without compensation, but without loss of benefits. A leave of absence lasting more than three (3) months shall be considered a break in employment, unless an extension of leave has been authorized in advance. Maternity Leave and Family Leave will be granted in accordance with Mass General Laws Chapter 149, section 105D, and appropriate federal laws.

8.2 Family and Medical Leave Act applies to any employee who has been on the payroll for at least 12 months prior to the beginning of the leave.

8.2.1 Under the FMLA an eligible employee may take 12 work weeks of unpaid leave during any 12 month period for the following purposes:

8.2.1.1 The care of a newborn child of the employee

8.2.1.2 The placement of a child with the employee for adoption or foster care

8.2.1.3 The care of the employee's spouse, child or parent with a serious health condition

8.2.1.4 The care of the employee's own serious health condition, which makes the employee unable to perform the functions of his/her position

## Section 9 BEREAVEMENT LEAVE

9.1 Full-time employees will be paid their regular wages as follows:

9.1.1 Up to 5 days may be paid in the event of the death of an employee's spouse or child

9.1.2 Up to 3 days may be paid in the event of the death of other immediate family members, as previously defined.

9.1.3 Up to 2 days may be paid in the event of the death of an employee's aunt, uncle, cousin, nephew, or niece.

9.1.4 Up to one day may be paid in the event of the death of a relative of the employee's spouse, not listed as immediate family.

## Section 10. JURY DUTY

10.1 In the event any employee is required to perform jury duty service on a regularly scheduled work day, the employee shall be entitled to the difference between court pay and the employee's regular pay.

Approved 6/30/03