

TOWN OF CHARLTON PERSONNEL BYLAW

Effective July 1, 2007

CHAPTER I. PERSONNEL BOARD

SECTION 1. ESTABLISHMENT

There shall be a Personnel Board organized in the manner and having the powers and duties hereinafter prescribed in this Chapter.

SECTION 2. APPOINTMENT AND FILLING OF VACANCIES

The Appointing Authority for the Personnel Board shall be the Board of Selectmen. Whenever a vacancy occurs on the Personnel Board, the Appointing Authority shall fill the vacancy of the unexpired term.

SECTION 3. COMPOSITION AND TERM OF OFFICE

The Personnel Board shall consist of five (5)¹ registered voters of the Town who hold no other elected or appointed Town office nor are employed by the Town. The terms of office of the originally appointed members shall be for one (1), two (2), or three (3) years and so arranged that the terms of approximately one-third (1/3) of the members will expire each year and their successors shall be appointed for terms of three (3) years each. After a hearing, any member of the Personnel Board may be removed for cause by the Appointing Authority.

SECTION 4. POWERS AND DUTIES

The Personnel Board shall have the following powers and duties, in conjunction with the Town Administrator²:

1. Conduct research into wages, hours, and other terms and conditions of employment in comparable Massachusetts municipalities.
2. Prepare for submission to Town Meeting, a Classification Plan classifying all positions, other than those filled by popular election or covered under a collective bargaining agreement, into classes doing substantially similar work or having equal responsibilities.³

¹ Amended from seven (7) in 5/93.

² Nothing in these Bylaws shall be construed so as to prevent the Personnel Board, the Selectmen or Town Meeting from taking such action as it or they deem necessary or advisable if due to a vacancy in the position of Town Administrator or for any other reason a Town Administrator is unable, or fails, to take any action contemplated hereby.

³ If a collective bargaining agreement addresses any issue or subject matter also touched upon by this Bylaw, as to those employee positions covered by the collective bargaining agreement such agreement shall be deemed to preempt such subject matter and shall exclusively control regardless of whether the provisions of the agreement and of the Bylaw are consistent or inconsistent and of whether the scope of same is coterminous or different.

3. Prepare for submission to Town Meeting, a Salary Plan establishing minimum and maximum salaries to be paid to employees in positions so classified. The Salary Plan may provide for the attainment of periodic step-rate increases based on length of service and/or performance.
4. Administer the Classification and Salary Plans, the personnel rules and any other provisions of the Personnel Bylaw, address any questions arising thereunder, and advise Town Meeting, the Board of Selectmen and other Town agencies in any matter pertaining thereto.
5. Prepare for submission to Town Meeting, personnel rules applicable to employees in classified positions. Such rules may include:
 - a) methods of determining the merit and fitness of candidates for appointment and promotion;
 - b) policies and procedures for Town employees holding provisional appointments;
 - c) policies regarding in-service training programs;
 - d) provisions governing days and hours of work;
 - e) attendance regulations;
 - f) provisions for sick, vacation, military and other leave;
 - g) policies and procedures covering relationships with employee organizations;
 - h) policies and procedures regulating reduction in force and removal of employees;
 - i) grievance procedures;
 - j) other such practices as may be appropriate for the administration of the personnel system of the Town; and
 - k) amendments to the Classification and Salary Plans and the Personnel Bylaw.

SECTION 5. AMENDMENTS

The Personnel Bylaw may be amended by a vote of Town Meeting. The Personnel Board shall be notified, in writing, of any proposed amendment no later than the ninetieth (90th) day prior to the Town Meeting at which the amendment is to be considered. The Personnel Board shall make recommendations and report to the Town prior to any action being taken on the proposed amendment. Failure of such notice or of the Personnel Board to report to the Town shall not prevent the Town from taking action on the proposed Bylaw amendment.

CHAPTER II. POLICY

SECTION 1. DEFINITIONS

The words and phrases in the Personnel Bylaw shall have the following meaning except where the context clearly indicates or defines a different meaning:

- **Eligible Employee** - An employee who is currently employed by the Town and regularly scheduled to work a minimum of twenty (20) hours per week.
- **Full-Time Employee** - An employee who is currently employed by the Town and who is regularly scheduled to work a minimum of thirty-two (32) hours per week.
- **Appointing Authority** - The Board of Selectmen.
- **Department Head** - The person in charge of the Department, either because elected, because designated by the Appointing Authority or because otherwise provided by statute or by vote of the Town.
- **Supervisor** – The person, if any, in charge of subordinates, as designated by the Department Head or Appointing Authority.

SECTION 2. PERSONNEL BOARD ADVICE AND RECOMMENDATIONS

The Personnel Board was formed to provide the Town with the benefit of particularized knowledge, experience, and expertise in employment matters, and upon request will provide the Board of Selectmen with advice and recommendations regarding such matters.

SECTION 3. COLLECTIVE BARGAINING

The Personnel Board shall be a resource for the Board of Selectmen and the Town Administrator in the collective bargaining process.

SECTION 4. NEW POSITIONS

No new position shall be established without a recommendation from the Town Administrator and the Personnel Board advising whether or not all of the procedures in the Personnel Bylaw have been followed. It is not the intent of this section that the Personnel Board or the Town Administrator would make a final determination as to whether or not a position is necessary.

SECTION 5. JOB DESCRIPTIONS

All positions should have a written job description as prepared by the Town Administrator and approved by the Personnel Board. Each employee shall be given a copy of his/her job description. Lack of a job description shall have no legal impact.

SECTION 6. RECRUITMENT

Individuals shall be recruited from a geographic area as wide as is necessary to obtain qualified candidates, allowing for preference to Town residents if all other considerations are equal. The official notice of a job vacancy shall be posted through the Town Administrator's office on a public bulletin board within each of the Town Hall, Library, Council on Aging, Police Department and Fire Department for not less than seven (7) days and shall also be published in a newspaper of local circulation at least seven (7) days prior to close of the period specified for submission of an application. So long as such posting is completed in the Town Hall, a failure to post in all or any one

of the aforementioned locations shall affect neither the recruitment nor appointment process. Publishing requirements shall be waived if the position is to be filled by the promotion of a current employee.

SECTION 7. EXAMINATIONS

- A. Under the direction of the Town Administrator, the Personnel Board may require medical exams of candidates for employment whose job offer is contingent upon satisfactory results from such examination. Medical examinations shall be at the expense of the Town and by a physician chosen by the Town.
- B. Written and/or other types of exams may be required and administered by Town officials or Department Heads as necessary. If such exams are required, copies of the exams and results shall be submitted to the Town Administrator for verification of consistency of standards and accuracy of results.

SECTION 8. TRAINING

Training of employees, where determined by the Town to be necessary or advisable, shall be arranged for or provided by the Town unless otherwise provided by Massachusetts General Law. Who will bear the cost of such training will be determined by the Town Administrator on a case-by-case basis.

SECTION 9. EVALUATION

The Town has the right to evaluate an employee's performance at any time.

SECTION 10. PROBATION

- A. All new employees shall be on probation for the first six (6) months of their employment, beginning with the first day actually worked for the Town.
- B. All current employees promoted into new positions shall be on probation for the first six (6) months in their new position beginning with the first day actually worked for the Town in the new position.

SECTION 11. TRANSFERS

An employee who transfers from one job to another in Town employment shall retain all his/her benefits already vested as of the date of transfer.

SECTION 12. PROMOTIONS

Any Town employee may apply for a promotion as illustrated under Section 6 above. Consideration will be given to all legally permissible factors which the Town deems material, including, without limiting the generality of the foregoing, knowledge, skill, experience, education, and seniority.

SECTION 13. LAYOFFS

In the case of the necessity of layoffs or reduction in personnel for lack of work or due to fiscal constraints, layoffs shall be determined by the needs of the Town on a Department and position-by-position basis. If there is more than one employee in a particular Department position, the decision will be made according to reverse order of seniority, all other things being equal.

SECTION 14. DISCIPLINE

Discipline shall be the responsibility of the Department Head and/or Supervisor, in conjunction with the Town Administrator, except as is otherwise provided by statute or by bylaw, and may include one or more of the following: written reprimand, suspension, disciplinary probation and/or discharge. This list is not definitive and is not intended to limit the Town, nor shall it be interpreted as requiring in every instance that more severe discipline be preceded by any lesser discipline, since there are certain offenses which by their nature may be deemed to require serious discipline, up to and including discharge, in the first instance.

A written, dated notice of the disciplinary action shall be recorded on a standardized form prepared by the Personnel Board with the assistance of the Town Administrator. A copy of the completed form will be given to the employee. A copy will also be placed in the employee's personnel file in the office of the Board of Selectmen. The employee is required to sign and date the notice for the sole purpose of having a record of the employee's receipt of same. Such signature shall not be deemed to signal agreement with the contents of the notice, and the employee shall have the right to file a written response if he/she disagrees with the contents of the notice, which response shall be attached to the notice and placed and maintained in the employee's personnel file with same.

SECTION 15. GRIEVANCE PROCEDURES

(To be submitted at a future Town Meeting.)

SECTION 16. PERSONNEL FILES

A personnel file will be maintained on each employee of the Town in accordance with M.G.L. c. 149, sec. 52C. Each personnel file must contain, in addition to any other materials required by the statute, the employee's:

- a. name, address, date of birth;
- b. job application and/or resume and related documents;
- c. job title and job description;
- d. grade and rate of pay and other compensation;
- e. probationary period reports;
- f. written performance evaluations;
- g. written records of disciplinary action, including termination notices;

- h. waivers; and
- i. completed I-9 forms.

Employees' medical information is not part of their personnel file and must be kept separately.

Department Heads will be responsible for obtaining the required documents from or relating to the employees in their department and forwarding them to the Town Administrator.

All personnel files are to be kept in the Office of the Board of Selectmen or in a secure area of their choosing under their and the Town Administrator's supervision.

Only those with a need to know, including but not limited to, where apt, the Board of Selectmen, Department Heads, the Town Administrator, the Administrative Assistant and Town Counsel, shall have access to the personnel files. The Personnel Board may have access to the files on a need to know basis upon written request and a majority vote of their Board. "Need to know" shall include any reason reasonably related to the efficient or effective operation of the Town.

Employees have the right to review their personnel file. If an employee wishes to review his/her file, he/she must set up an appointment with the Board of Selectmen, Town Administrator or Administrative Assistant. Employees must be notified in writing within ten (10) days of any additions or deletions to their personnel file. The employee must review the file in a designated area in the presence of the Town Administrator, a Personnel Board member, or a designee during normal business hours. An employee shall be given a copy of his or her personnel record within five business days of submission of a written request for such copy to the Town Administrator.

SECTION 17. SAVING CLAUSE

If any provision of the Personnel Bylaws shall be found contrary to law then such provision shall not be deemed valid except to the extent permitted by law, and all other provisions of the Personnel Bylaw shall continue in full force and effect.

SECTION 18. EMPLOYMENT AT WILL

Nothing contained in the Personnel Bylaw shall constitute an employment contract, nor abridge or be deemed to abridge or limit the right of the employer not to employ an employee for any given fiscal year.

CHAPTER III. CLASSIFICATION PLAN

Except as otherwise provided by law, neither the Title nor the Grade of any position covered by the Personnel Bylaw may be changed without prior approval of the Board of Selectmen, which shall seek the recommendation of the Town Administrator and Personnel Board before acting. Changes will be made only by a vote of Town Meeting.

CLASSIFICATION PLAN

GRADE	DEPARTMENT	TITLE
1	Cemetery Council on Aging Council on Aging Library	Laborer Kitchen Assistant Kitchen Site Manager Page
2	Animal Control Board of Selectmen Board of Selectmen Council on Aging Fire Fire Town Clerk Veterans' Services Zoning Board of Appeals	Animal Control Officer Department Assistant Custodian Outreach Coordinator Call Firefighter Call Firefighter/EMT Assistant Town Clerk Director Department Assistant
3	Board of Selectmen Cemetery Council on Aging EMS Fire Library Police Water/Sewer	Administrative Assistant Superintendent Director Coordinator Administrative Assistant Head of Youth Services/Assistant Director Administrative Assistant Administrator
4	Assessor Building/Zoning Collector Conservation Fire Highway Library Police Treasurer	Director of Assessing Building Commissioner/Zoning Enforcement Officer Town Collector Agent Deputy Fire Chief Highway Foreman Director Lieutenant Treasurer
5	Fire Highway Planning Police Town Accountant	Fire Chief Superintendent Director Chief of Police Accountant
6	Town Administrator	Town Administrator

CHAPTER IV. SALARY PLAN

Except as otherwise provided by law (if at all), the salary of employees covered by the Personnel Bylaw shall not be changed without the recommendation of the Town Administrator and the Board of Selectmen, who shall seek the recommendation of the Personnel Board and the Finance Committee before acting.

Notwithstanding the immediately preceding paragraph, and subject to specific Town Meeting appropriation for same, annual cost of living increases for employees subject to the Personnel Bylaw will automatically be provided at a level equal to or higher the average percentage of such cost of living increases (as contrasted with increases in base pay and merit increases) granted to the Town of Charlton bargaining units represented by unions whose wage increases have been approved in time for inclusion in the Finance Committee's annual budget report submitted to the Annual Town Meeting⁴.

CHAPTER V. BENEFITS

The benefits set forth below shall be provided to all eligible employees as defined in Chapter II, Section 1 of the Personnel Bylaw.

SECTION 1. LIFE INSURANCE

The Town contributes 75% to a basic life insurance plan.

SECTION 2. HEALTH INSURANCE

The Town contributes 80% towards a major indemnity insurance plan or an equivalent amount to another group health insurance or benefit plan as designated by the Town (see, e.g., Massachusetts General Law, Chapter 32B, Section 3).

SECTION 3. HOLIDAYS

Eligible employees⁵ are provided the following thirteen (13) paid holidays per year:

New Year's Day	Martin Luther King Day	President's Day
Patriot's Day	Memorial Day	Independence Day
Labor Day	Columbus Day	Veteran's Day
Thanksgiving	Day after Thanksgiving	Christmas Day
Christmas Eve afternoon ⁶		

⁴ Added at STM 11/1/05 Art. 17.

⁵ Part-time employees are afforded the holidays only if they occur or are observed on their regularly scheduled workday. Pay will be equal to hours regularly scheduled for that day.

⁶ Only when Christmas Eve afternoon falls on a workday is it considered a holiday. Employees shall be excused with pay from all duties which are not required to maintain essential Town services, such determination to be made by the Town Administrator.

Employees shall receive one day's pay at the his/her normal, straight time rate of pay for each of the holidays listed above. Whenever any of the holidays listed occurs on a Saturday or Sunday, the holiday shall be observed according to State guidelines.

An employee who is required to work a holiday, or part thereof, is afforded pay at his/her straight rate of pay for time actually worked in addition to compensatory holiday hours to be used within thirty (30) days of the holiday during which those hours were accumulated.

SECTION 4. VACATION TIME

Eligible employees are provided Vacation Time with pay as follows:

<u>Length of Continuous Service</u>	<u>Annual Amount of Vacation</u>
Six (6) months but less than five (5) years	Ten (10) working days
Five (5) years but less than ten (10) years	Fifteen (15) working days
Ten (10) years but less than fifteen (15) years	Twenty (20) working days
Fifteen (15) or more years	Twenty five (25) working days
Twenty (20) or more years	Thirty (30) working days

An employee shall only be accorded the vacation allotment set forth in the right column once the employee has completed the minimum number of years specified in the left column (e.g., fifteen (15) working days' vacation only after having completed five (5) full years of continuous service with the Town).

For the purpose of Vacation Time, a "day" shall be defined as the average number of hours per day an employee is scheduled to work on a regular basis (excluding overtime), not to exceed eight (8) hours.

The vacation year is the twelve (12) month period from July 1st through June 30th except after completion of the six (6) month probationary period. The length of continuous service is determined by the number of years of service which the employee has completed as of July 1st of each year.

A maximum of one (1) week of Vacation Time may be carried over to a succeeding fiscal year if the employee provides notification to the office of the Town Administrator prior to June 30th.

SECTION 5. SICK TIME

Eligible employees shall earn 1.25 paid Sick Days per month of time worked for the Town.

A Sick Day shall be equal to the average number of hours the employee is regularly scheduled to work per day, excluding overtime. Unused Sick Days may be carried over to the succeeding fiscal year or years, but shall not be accumulated for a total of more than one hundred and fifty (150) days.

Upon retirement, an employee who has completed five (5) or more years of continuous service with the Town shall receive payment, at the employee's then regular hourly rate, for unused, accumulated Sick Days, not to exceed forty-five (45) days. If possible, an employee who is eligible to receive

payment for unused sick days shall notify the Town three (3) months prior to retirement. Upon the death of an employee, payment shall be made to the employee's beneficiary as stipulated on the employee's life insurance policy provided by the Town or, in the absence of a beneficiary, to the estate of the deceased employee.

SECTION 6. PERSONAL TIME

Eligible employees are allowed three (3) paid Personal Days per fiscal year (pro-rated for part-time employees). Personal Days will not accumulate from year to year.

Personal Days shall be granted to new, eligible employees after completion of their six (6) month probationary period.

In order to utilize a Personal Day, an employee must notify his/her Department Head, in writing, no less than forty-eight (48) hours before such leave would be begin, except in case of a medical or other similar emergency. In case of such emergency, the employee, as a precondition to pay for the day, shall give the Department Head as much advance notice as is reasonably possible under the circumstances and after the fact but before the date for processing of the payroll to include payment for such leave shall submit such documentation, if any, as the Department Head or Town Administrator shall require in a given case so as to verify that the employee had in fact complied with the foregoing notice requirement.

SECTION 7. LEAVE OF ABSENCE

Eligible employees may request a Leave of Absence without pay. The request shall be in writing to their Department Head stating the reason the Leave is being requested and the beginning and ending dates. Within two (2) business days, the Department Head will submit the request with his/her recommendation to the Town Administrator. Within two (2) business days, the Town Administrator will submit a written decision to the Department Head. Immediately following, the employee shall receive a written response from the Department Head stating the decision. Either the employee or the Department Head may appeal the decision to the Board of Selectmen within five (5) business days of receiving the written decision of the Town Administrator. The Board of Selectmen will hear the appeal at their next regularly scheduled meeting. If a Department Head, the Town Administrator or the Board of Selectmen fail to take any action within the foregoing time periods, the request shall be deemed denied, and in the case of failure of the Department Head or Town Administrator to act in such timely fashion the employee thereafter may proceed with an appeal to the next level within five (5) business days. Any such time period for action may be extended by mutual agreement of the employee and the Department Head, Town Administrator or the Board of Selectmen, whichever appropriate for the level at which the request is then being considered.

SECTION 8. BEREAVEMENT LEAVE

Eligible employees are afforded up to four (4) scheduled work days as Bereavement Leave with pay.

Bereavement Leave shall be granted for the death of any of the following family members: spouse, significant other (boyfriend/girlfriend), child, father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, stepchild, or any person living in the employee's household.

For other relatives, a maximum of one (1) day of Bereavement Leave shall be granted. Special or unusual circumstances, such as the need for extra time for travel, will be considered on an individual basis by the Town Administrator. Employees granted such extra time may be required to use accrued Vacation or Personal Time.

SECTION 9. FAMILY LEAVE

Family Leave shall be granted in accordance with the Family Medical Leave Act of 1993 and/or in accordance with the Small Necessities Leave Act of 1998. These statutes and the regulations, policies and rulings which interpret and apply them are voluminous and detailed. They are also amended from time to time. Thus, the summary descriptions below are provided solely for purposes of convenience. They may or may not accurately reflect currently applicable law. Thus, all persons reading same should consult and rely solely upon the provisions of such statutes, regulations, policies and rulings themselves, rather than relying hereon. These provisions of the Personnel Bylaw are intended solely to recognize otherwise applicable law. No such provision is intended to, or shall be deemed to, vest any new or additional, substantive or procedural, right or remedy in any person.

A. THE FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act (FMLA) provides an entitlement of up to twelve (12) weeks of job-protected, unpaid leave to employees who have been employed by the Town for at least twelve (12) months and have worked a minimum of one thousand two hundred and fifty (1,250) hours during the twelve (12) month period immediately preceding the commencement of the Leave.

The employer must grant FMLA Leave for the following reasons:

- birth and care of the employee's child, or placement for adoption or foster care of a child with the employee;
- care of an immediate family member who has a serious health condition; or
- care of the employee's own serious health condition.

If an employee is receiving group health benefits when the Leave begins, the Town will maintain them at the same level and in the same manner during periods of FMLA Leave. The Town may require the use of any accrued benefit time for periods of unpaid FMLA Leave.

When medically necessary, employees may take FMLA Leave in blocks of time less than the full twelve (12) weeks on an intermittent or reduced basis. Intermittent Leave for the placement, adoption, or foster care of a child is subject to the Town's approval. Intermittent Leave taken for the birth and care of a child is also subject to the Town's approval except for pregnancy-related Leave for a serious health condition. Approved FMLA Leave for maternity shall run concurrent with the Maternity Leave Act.

An employee is required to provide his/her Department Head with thirty (30) days' written notice of the need for a Leave if it is foreseeable. If it is not foreseeable, the employee is required to provide notice as soon as possible.

The Town may require medical certification of a serious health condition from the employee's health care provider. During the Leave, the Town may require periodic reports of the employee's status and intent to return to work, as well as "fitness-for-duty" certification prior to returning to work.

An employee who returns from FMLA Leave is entitled to be restored to the same or an equivalent job except under certain, limited conditions. The employee is not entitled to accrue benefits during periods of unpaid FMLA Leave.

B. THE SMALL NECESSITIES LEAVE ACT

The Small Necessities Leave Act permits an employee, who has been employed by the Town for at least twelve (12) months and has worked a minimum of 1,250 hours during the twelve (12) month period immediately preceding the commencement of the Leave, Leave for the following purposes:

- to participate in school activities directly related to the educational advancement of a child of the employee;
- to accompany a child of the employee to routine medical or dental appointments; and
- to accompany an elderly relative of the employee to routine medical or dental appointments or other professional services relating to the elder's care.

The twenty-four (24) hours of Leave available under this benefit are in addition to the twelve (12) weeks of Leave provided for under the Family and Medical Leave Act. The twenty-four (24) hours may be taken within a twelve (12) month calendar year period and the time may be taken on an intermittent or reduced-time schedule.

An employee is required to provide his/her Department Head with seven (7) days' written notice of the need for a Leave if it is foreseeable. If the Leave is not foreseeable, the employee is required to provide notice as soon as possible.

Though the law provides for an unpaid Leave of Absence, an employee may elect to use any available accrued Vacation, Personal, or Sick Time.

A Department Head may require that written documentation support a request for Leave under this Act.

SECTION 10. MATERNITY LEAVE

Maternity Leave shall be granted in accordance with Massachusetts General Law, Chapter 149, Section 105D. This section is intended solely to describe, for purposes of convenience, this law as it existed when the Personnel Bylaw first became effective in Charlton.

An employee who has worked full-time for at least three (3) consecutive months and who gives written notice at least two (2) weeks in advance to her Department Head of her anticipated dates of departure

and return, shall be allowed a Maternity Leave of eight (8) weeks for the purpose of giving birth or for adopting a child under the age of three. Maternity Leave shall be without pay. If an employee has accrued Sick or Vacation Time at the commencement of her Maternity Leave, she may use such Time. All Maternity Leave shall run concurrent with the Family Medical Leave Act and the Small Necessities Act, where applicable.

These provisions of the Personnel Bylaw are intended solely to recognize otherwise applicable law. No such provision is intended to, or shall be deemed to, vest any new or additional, substantive or procedural, right or remedy in any person.

SECTION 11. MILITARY LEAVE

Military Leave, or its equivalent, shall be granted to an employee upon submission of satisfactory documentation in accordance with Massachusetts General Law, Chapter 33, Section 59 and other applicable law, if any.

The statutes and the regulations, policies and rulings which interpret and apply, or which may affect, military leave provisions, state and federal, may be numerous and are also amended from time to time. Thus, the summary description below is provided solely for purposes of convenience. It may or may not accurately reflect currently applicable law. Thus, all persons reading same should consult and rely solely upon the provisions of such statutes, regulations, policies and rulings themselves, rather than relying hereon. These provisions of the Personnel Bylaw are intended solely to recognize otherwise applicable law. No such provision is intended to, or shall be deemed to, vest any new or additional, substantive or procedural, right or remedy in any person.

Upon proper notice, an employee may take an unpaid Military Leave to perform service in the uniformed services. The Military Leave may be voluntary or involuntary. The employee retains the right to return to his/her former position upon return from active duty. Health insurance will be provided at the same contribution level for the first thirty (30) days of Military Leave after which the employee may elect to continue participation by paying 102% of the monthly premium. If the employee does not participate, he/she has the right to join the health insurance group immediately upon return from Military Leave. Military Leave is limited to five (5) years of cumulative service during employment with the Town. Employees considering Military Leave should consult USERRA regulations as well as applicable state and federal laws for additional rights and requirements.

SECTION 12. JURY DUTY/ WITNESS LEAVE

Jury Duty/Witness Leave shall be granted in accordance with Massachusetts General Law, Chapter 234 A.

Upon submission of satisfactory documentation, an employee summoned for jury duty shall receive, from the Town, the difference between the compensation of the employee received for such jury service and the regular wages the employee would have earned for the day, exclusive of any travel or other allowance.

An employee summoned by the Town as a witness on behalf of the Town shall be granted Leave with pay for the time lost from the employee's regular work schedule.