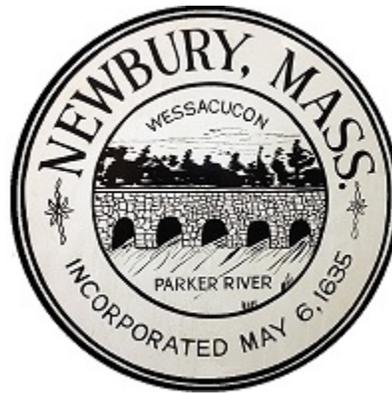


TOWN OF NEWBURY MASSACHUSETTS



EMPLOYEE HANDBOOK

Adopted by:

Town of Newbury Personnel Board

July 2011 and Revised October 2014

INTRODUCTION

The purpose of this Handbook is to provide Town of Newbury employees* with a summary of the Town of Newbury's personnel guidelines and practices. This Handbook is a "living document," and the information contained within it can be changed as circumstances demand. As such, The Town of Newbury can and will terminate and/or change, in whole or in part, any of the information contained in the Handbook with or without notice at any time during or after active employment. The Town of Newbury provides the information contained in this Handbook as general guidance only, employees should not expect the Town of Newbury to adhere to it in every instance. Accordingly, nothing stated in this Handbook is intended or should be understood to create a binding contract between Town of Newbury and any one or all of its employees. The most recent rendition of the Employee Handbook can be found on the Town of Newbury website under Personnel Board.

This Employee Handbook has been adopted by the Personnel Board of the Town of Newbury pursuant to Chapter 24.1(B) of the Town By-Laws. This Policy provides information to employees about the benefits and obligations of their employment. It is not intended to create rights or obligations for either the Town or its employees beyond those established in the By-Laws. In the event of any conflict between this Policy and the By-Laws, the By-Laws shall control.

The Town of Newbury is committed to providing services to residents and visitors in a friendly, efficient and effective manner. Employees of the Town are expected to work cooperatively with Town boards, commissions, committees, and elected and appointed officials. Employees are entitled to respect and civility while performing their job duties.

EQUAL EMPLOYMENT OPPORTUNITY

The Town of Newbury provides equal opportunity for all qualified persons and does not discriminate against any applicants for employment on the basis of race, color, national origin, religion, gender, sexual orientation, disability, military or veteran status, or genetic information.

This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits and termination and all other terms and conditions of employment.

***For the purposes of this handbook employees will be considered to be all full time, part time permanent, part time, seasonal and/or fractional, as well as those employees who are appointed, elected, and otherwise employed by The Town of Newbury**

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1. GENERAL INFORMATION

Employment at Will

Employment with the Town of Newbury is “at-will.” At-will employment means that either the employee or the Town of Newbury may terminate an employee’s employment and compensation with or without notice at any time and for any or no reason or cause. Except as stated elsewhere in this handbook, the Town of Newbury is not bound to follow any policy, procedure, or process in connection with employee termination.

Hours of Work

The work hours for employees will be set by their respective department head or manager. Hours may be changed from time to time as needed to meet the business needs of the Town.

Employees may be entitled to different benefits depending on how many hours they are assigned to work.

- A full-time employee is one who is employed to work on a regularly scheduled basis for not less than thirty (30) hours per week nor less than fifty-two (52) weeks per year.
- A permanent part-time employee is one who is employed to work on a regularly scheduled basis for not less than twenty (20) hours per week nor less than fifty-two (52) weeks per year.
- A part-time employee is one who maintains irregular service to the Town on an occasional or on an as-needed basis.
- A fractional employee is one who will work less than twenty (20) hours weekly in a regularly scheduled year-round position
- A seasonal employee is one who is employed in a position which is filled only on a seasonal basis.

Full time employees in certain positions may be entitled to overtime pay for hours which exceed 40 hours in any work week. No employee should work any overtime hours without prior approval of his/her manager.

Attendance

The Town of Newbury is required by state and federal law to keep accurate records of time worked by all employees. Regular and timely attendance is expected of all employees. An employee must contact his or her immediate manager within one (1) hour to the start of each work day if for some reason the employee will be late, or will not be at work that day.

Reporting of actual hours worked must be recorded and submitted by each employee. The reporting of hours is due to the Finance Department in accordance with the payroll schedule on a bi-weekly basis on Monday by 11 AM. This payroll reporting form must be signed by the department head. The payroll reporting form for each department head must be signed by the Town Administrator.

Inclement Weather

In the event of severe weather which presents a safety hazard to employees not involved in essential town services, the Town Administrator, in consultation with the Chair of the Board of Selectmen, may decide town offices should be closed or dismissed early.

An employee who is unable to report to work as scheduled due to an emergency situation will not be paid, except if they elect to use accrued vacation time, or by making up the lost work hours during the same payroll period as approved by their manager. Any employee dismissed early from work due to a weather-related emergency situation will be paid for hours actually worked prior to dismissal. Time lost due to early dismissal will not be paid except by use of accrued vacation time, if available or make up the lost work hours during the same payroll period as approved by their manager. (From: Personnel Bylaws: 24:8, D. Emergency Closing of Town Departments)

Disability Accommodation

The Town of Newbury is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA"). It is the Town of Newbury's policy not to discriminate against any qualified employee or applicant because of a disability or perceived disability so long as the employee can perform the essential functions of the job. The Town of Newbury will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the town aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the town.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should formally request in writing an accommodation from their manager. The Town of Newbury encourages individuals with disabilities to come forward and request reasonable accommodation.

Non-Discrimination

The Town of Newbury is committed to a work environment in which all employees are treated with respect and dignity. Each employee has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices. It is the expectation of employees that all workplace interactions will be business-like and free of discrimination on the basis of race, color, national origin, religion, gender, sexual orientation, disability, military or veteran status, or genetic information.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their department head, manager and/or the Personnel Board. Complaints should be brought within ten (10) days of the event which the employee believes was discriminatory. The Town expects employees to cooperate with the Town in any investigation into a complaint of discrimination. It is the Town's expectation that employees can raise concerns and make reports without fear of retaliation. Employees found engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Harassment

In order to provide a productive and pleasant working environment, it is important that The Town maintain an atmosphere characterized by mutual respect. Harassment is unlawful and includes communicating, sharing or displaying written or visual material or making verbal comments that are demeaning or derogatory to a person because of his/her sex, sexual orientation, race, color, religious creed, national origin, ancestry, age and disability.

Sexual harassment, which is further discussed in the Town of Newbury's Harassment and Procedures Policy, may also exist when conduct includes making unwelcome advances, requesting sexual favors or engaging in verbal or physical conduct of a sexual nature which is made a term or condition of employment or which is used as the basis for employment decisions. Harassment may also include any sexually-oriented conduct, including conduct intended to be friendly or humorous, that is unwelcome and has the purpose or effect of unreasonably interfering with an employee's work performance or creating a "hostile", offensive or coercive work environment.

Employees who may have been harassed should immediately file a complaint with their manager or the Town's Harassment Officer. Inquiries and/or complaints will be immediately investigated by the Town's Harassment Officer. Investigations will be conducted in as confidential a manner as is compatible with a thorough investigation of the complaint. Any employee determined by impartial investigation to have harassed another employee or applicant for employment will be subject to appropriate disciplinary measures, up to and including termination of employment.

New employees will receive a copy of the Town's Harassment Policy and Procedures. In addition, all employees will receive on an annual basis a copy of The Town Harassment Policy and Procedures and will be asked to

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review this document and sign an acknowledgement that they have read and understand this policy and procedure.

Town's Harassment Officers names and contact information:

Tracy Blais (978) 465-0862 ext 301

Steve Salvo (978) 462-1037

An employee may also file a formal complaint with either or both of the government agencies set forth below. Using the Town's complaint process does not prohibit an employee from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

Equal Employment Opportunity Commission

JFK Federal Office Building
Government Center
Room 475
Boston, MA 02203
(617) 565-3200

The Massachusetts Commission Against Discrimination

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

Drug Free Workplace

The use of drugs or alcohol, which impairs employee effectiveness, efficiency, or ability to be present regularly at work, is a matter which is of extreme importance to The Town of Newbury. Accordingly, the Town of Newbury has issued the following work rules:

"Reporting to work or otherwise representing the Town of Newbury while under the influence of alcohol or illegal drugs will not be tolerated. Employees are prohibited from being under the influence of, manufacturing, distributing, dispensing, possessing or using illegal drugs at any time on or about the Town of Newbury's premises, while driving on town business, or while representing the town in any manner. An infraction of these policies is grounds for immediate disciplinary action, up to and including termination of employment."

No Smoking

In order to provide a safe and healthful work environment, the Town of Newbury observes a no smoking policy in all town offices and property. Failure to follow this guideline may result in disciplinary action, up to and including termination.

Use of Town Property

All records, files, data resources materials, supplies or equipment used and/or created by an employee with the scope of his/her employment with the Town shall be the sole and exclusive property of the Town of Newbury, and may not be used, created and/or removed without permission of management.

Electronic Communications and Technology

All employees, including temporary and seasonal workers, as well as consultants, contractors, volunteers, interns, elected officials and other individuals granted access to the town's electronic communications technology resources (i.e., electronic mail, town Internet) agree to utilize these technologies and systems for work-related purposes, keeping confidential all town business matters. Additionally, employees are reminded that inappropriate subject matter is not to be used on the town's electronic communication systems. Lastly, employees do not have a personal privacy right in any matter created, received, stored or sent from the town's electronic communication resources. Violations of this policy constitute misconduct and may lead to disciplinary action, including suspension and/or termination.

Note: This policy does not apply to public Internet usage at the public libraries and student access in the public schools which are governed by independent policies.

Employee Notification/Use of Bulletin Boards

Bulletin boards maintained by the town are to be used only for posting or distributing materials containing matters and announcements relating directly to town business, and which are equally applicable to the interests of town employees.

Employees are expected to check the bulletin boards regularly for new and/or updated information. Employees are not to remove material from the bulletin boards.

2. EMPLOYMENT

The Town seeks to attract qualified applicants for employment, and will use a variety of methods to advertise open positions with the Town. Applicants for employment should expect to provide information regarding prior employment, personal references, and may be required to participate in a public interview process.

Job Posting Process

Job vacancies will be posted for five (5) business days and an application for a job vacancy is due by the posting dead line. Managers with a position vacancy should complete a Job Vacancy Form (JFV) and attach an updated job description. Additionally, managers must secure their department head, Personnel Board, Finance Committee and Board of Selectmen approval prior to posting and hiring for their job vacancy.

Background Checks

All applicants for employment with the Town, including current employees who are applying for new positions, are subject to background checks. This may include, but is not limited to, contacting prior employers and educational institutions, credit checks, drug tests, and criminal background record checks (CORI's) in accordance with the Town of Newbury CORI policy.

Licenses and Certifications

Employees whose jobs require a driver's license, professional license or certification must present valid documentation of their license prior to employment.

All employees required to maintain a valid license or certification(s), who have their license or certification(s) suspended or revoked must inform their manager immediately. In such instance, the employee may not be allowed to continue performing their normal duties until they can provide evidence of a valid license or certification(s) to their manager. Depending on the circumstances, the employee may be placed on unpaid suspension with no guarantee of a return to their position, and may be subject to further disciplinary action up to and including termination.

Medical Exams

Applicants or employees of the Town may be required to undergo medical examinations to determine if the applicant or employee is able to meet the particular job requirements. The cost of any such exam will be paid by the Town.

Probation Period

All staff are employed on a six-month probationary basis when first hired. This period offers the employee and the employee's manager/supervisor the opportunity to evaluate the new working relationship. During the probationary period, your supervisor will provide you with feedback on your job performance. At the end of the probationary period, your supervisor has the option to continue employment, extend the probationary period or terminate employment.

During the probationary period employees may be terminated without progressive discipline, and do not have access to the formal grievance procedure.

The completion of a probationary period does not change the nature of the employment-at-will relationship

All employees who have been hired, transferred or promoted to a new position s are not eligible for applying for other positions within the Town for a period of six months.

Employment Categories

It is the intent of the Town of Newbury to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the Town of Newbury.

Each employee is designated as either NONEXEMPT or EXEMPT in accordance with the Fair Labor Standard Act (FLSA). NONEXEMPT employees are entitled to overtime pay. EXEMPT employees are not entitled to overtime pay.

Non-Exempt employees will be paid 1 ½ times their regular rate of pay for hours worked in excess of forty (40) in a pay week. All such overtime must be authorized in advance by the employee's manager.

In addition to the above categories as outlined in the Personnel Bylaws, each employee will belong to one of the following employment categories:

FULL-TIME EMPLOYEES: Employees who are not in a probationary status and who are regularly scheduled to work no fewer than **30** hours a week nor fewer than fifty-two (52) weeks per year.

PART-TIME PERMANENT EMPLOYEES: Employees who are not assigned to a probationary status and who are regularly scheduled to work no fewer than twenty (20) hours a week nor fewer than fifty-two (52) weeks per year.

FRACTIONAL EMPLOYEES: Employees who work fewer than twenty (20) hours weekly in a regularly scheduled year-round position.

PART-TIME EMPLOYEES: Employees who maintain an irregular work schedule of occasional or work on an "as needed" basis

SEASONAL: Employees who work on a seasonal basis.

Personnel Action Form (PAF)

It is the responsibility of each employee to promptly notify their manager of any changes in their personnel data. Personal mailing addresses, telephone numbers, individuals to be contacted in the event of an emergency, educational accomplishments, and related information should be accurate and current at all times. If any personnel data has changed, an employee and/or their manager must immediately notify the Finance Department.

A PAF should be used for new hires or rehires, including hiring of seasonal and temporary workers, as well as leaves of absences, transfers, promotions, demotions, job title changes, schedule hour changes, as well as department, salary, status, and job class changes. A PAF must be used by an individual receiving compensation from the town, including staff whose positions are funded through a grant, as well as a senior who receives tax credits in lieu of wages. PAF's must be completed by the department manager and forwarded to the Personnel Board for review and approval. For new hires, a manager must also complete a Job Vacancy Form (JVF). The completed PAF and JVF, if applicable must be forwarded to the Personnel Board and Town Administrator for approval prior to the job offer.

Personnel Records Policy

To keep personnel records current and accurate, employees notify the Town Administrator of any changes in:

- Name and/or marital status
- Address and/or telephone/cell number
- Number of eligible dependents
- W-4 deductions
- Person(s) to contact in case of emergency

Job related and personal information for each employee will be retained in confidential town personnel records which are maintained by the Town Administrator. Current and former employees will be given access to information in their personnel record or obtain a copy of the entire personnel record within forty-eight hours upon completing a written request to be submitted to the Town Administrator

Access to an employee's personnel record will be provided to department heads or managers who are considering the employee for promotion, transfer or other personnel action.

The Town Administrator will have the sole responsibility for responding to reference requests and/or communicating to a third party information contained in the employee's personnel record. To the extent possible, information in the employee's personnel records will not be disclosed to anyone outside the town without a written consent signed by the current or former employee authorizing the release of this information. It is The Town of Newbury's policy to provide basic information to include dates of employment and job title without notification from or to the individual involved.

3. COMPENSATION

Compensation Plan – Classification & Grading

The compensation of each employee of the Town, except for elected officials, is determined in accordance with the wage schedules and rates of compensation established for all positions by the Personnel Board. A copy of the Compensation Schedule currently in effect is attached to this Employee Handbook.

Promotions, Transfers & Position Reclassifications

All promotions or upgrades must be approved by the department head and/or the appointing authority prior to approval by the Chair of the Personnel Board.

Promotion or Transfer to a Higher Classification Group

The starting rate for an employee who is promoted or transferred to a position in a higher classification group shall be the minimum or hiring rate of the higher rated position or the employee's own rate, whichever is higher. If the employee's own rate is higher than the minimum or hiring rate and does not appear as a step rate in the higher grade, he/she shall receive the next higher step rate. If that rate does not result in at least a two percent increase, the employee shall receive an increase to the next higher step in the new grade, but in no event higher than the maximum step.

Transfer to a Lower Classification Group

The starting rate for an employee who transfers to a position in a lower classification group shall be the employee's own rate, or the maximum rate of the lower position, whichever is lower. However, if the employee's rate is lower, but does not appear as a step rate in the lower grade, he/she shall be placed at the next higher step rate.

Promotion or Transfer Where Employee's Rate is Set at Minimum or Hiring Rate for New Position

Where as a result of a promotion or transfer an employee's rate is set at the minimum or hiring rate of a job in a higher classification group, he/she shall be entitled to a one-step increase after a probationary period of not less than three but not more than six months from the date of such promotion or transfer. The fact that he/she may have received a merit increase within the previous twelve months on a lower rated job shall not prejudice his/her right to such an increase.

Reclassification

Any change in the step rates of a job which is reclassified to a lower group in the job classification schedule shall apply only to employees hired after such job reclassification is adopted by vote of Town Meeting.

The rate of pay for an employee whose job has been reclassified to a higher group in the job classification schedule shall be the same rate as the employee has been receiving or step one of the new classification, whichever is higher. If the employee's own rate is higher than the minimum or hiring rate and does not appear as a step rate in the higher grade, he/she shall receive the next higher step rate. If the rate established in the previous sentence does not result in at least a two percent increase, the employee shall receive an increase to the next higher step in the new grade, but in no event higher than the maximum step. Six months later, upon the discretion of the Department, Board or Commission, another one-step increase may be given. Thereafter, step increases shall follow the normal pattern outlined in this handbook.

Performance Management

The Town's Performance Management system is an important part of the town's on-going process of communicating an employee's work. The Performance Appraisal is intended to focus on how well an employee has met the requirements of their job.

Employees will be evaluated by their manager on an annual basis. These evaluations will review an employee's strengths and accomplishments and serve to clarify any aspect of work which may need improvement. The employee and their manager and/or department head will plan ways to improve on the job performance where needed and establish appropriate performance goals for the future.

Employees are entitled to a written performance evaluation at the end of their probationary period and on an annual basis thereafter.

Longevity Bonus

A length of service payment shall be made to full time employees for continuous years of service as a paid employee of the Town as follows:

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- Upon completion of five (5) years but fewer than ten (10) years: \$250
- Upon completion of ten (10) years but fewer than fifteen (15) years: \$500
- Upon completion of fifteen (15) years and for duration of full time: \$750

Length of service payments shall be made to a permanent part time employee at one half the full time rate.

Part time, fractional employees and elected officials do not qualify for a longevity bonus.

Longevity payments will be made to eligible employees on December 1 each year.

Overtime

There are occasions when an employee may be required to work more hours than their normal weekly work schedule. Under the Federal Fair Labor Standards Act, non-exempt employees who work in excess of their normal weekly work schedule, up to 40 hours will be paid for all hours worked at their regular hourly rate. Hours worked beyond 40 in a normal work week will be paid at one and one-half times the regular rate. Exempt employees are not covered by this Act and do not receive overtime pay.

Time paid, but not actually worked, such as holiday, sick days, paid personal days or vacation, is not counted for the purpose of computing overtime pay.

Prior authorization for overtime must be obtained from your immediate manager in advance of any overtime hours worked.

Fire protection or law enforcement employees only: (1) must be paid overtime on a "work period" basis which can be from 7 consecutive to 28 consecutive days in length; (2) compensatory time may be taken at one and one-half hours for each overtime hour worked in lieu of cash overtime compensation. Employees engaged in police and fire operations may accrue up to 480 hours of compensatory time in a fiscal year. An employees must use their compensatory time within a week of your subsequent pay period so as to not disrupt the operation of the department, with no carryover into the new fiscal year.

Pay Day

Employees are paid on a bi-weekly on Thursday in accordance with the payroll schedule established at the beginning of each fiscal year.

Direct Deposit

Direct deposit is available to all Town employees. Each pay day, employees receive a deposit statement indicating gross pay, taxes, deductions and net pay. Employees interested in changing or enrolling in direct deposit, should contact the Finance Department

4. EMPLOYEE BENEFIT POLICIES

Vacation Leave

A. Employees of the Town are entitled to vacation days after successfully completing six months of continuous employment.

B. Vacation leave with pay will be granted in accordance with the provisions of this section to each employee commensurate with the length of her/his continuous employment with the Town.

C. Employees shall be entitled to vacation leave as follows:

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(1) An employee with more than six (6) months but fewer than five (5) years of continuous full-time employment with the Town shall accrue and be entitled to 2 weeks of vacation time annually for the first five (5) years of benefit eligible service, which will be pro-rated in accordance with their regularly scheduled total weekly hours. Except as otherwise set forth in sub-section (4) below, vacation leave is not awarded to part-time, fractional or seasonal employees.

(2) An employee with more than five (5) years of continuous full-time employment with the Town shall accrue and be entitled to 3 weeks of vacation time annually which will be pro-rated in accordance with their regularly scheduled total weekly hours. Except as otherwise set forth in sub-section (4) below, vacation leave is not awarded to part-time, fractional or seasonal employees.

(3) An employee with more than ten (10) years of continuous full-time employment with the Town shall accrue and be entitled to 4 weeks of vacation time annually which will be pro-rated in accordance with their regularly scheduled total weekly hours. Except as otherwise set forth in sub-section (4) below, vacation leave is not awarded to part-time, fractional, or seasonal employees.

(4) Permanent part-time employees with more than six (6) months and less than five (5) years of continuous permanent part-time employment with the Town shall be entitled to 2 weeks annual vacation which shall be pro-rated in accordance with their regularly scheduled total weekly hours. A permanent part-time employee with more than five (5) years of continuous part-time employment shall accrue and be entitled to 3 weeks annual vacation which will be pro-rated in accordance with their regularly scheduled total weekly hours. A permanent part-time employee with more than ten (10) years of continuous part-time employment shall accrue and be entitled to 4 weeks annual vacation which will be pro-rated in accordance with their regularly scheduled total weekly hours. No permanent part-time employee shall be entitled to more than four (4) weeks of pro-rated vacation time regardless of the total years of service with the Town.

Vacation leave is not awarded to non-permanent part-time, fractional, or seasonal employees.

C. The Department Head shall determine the time when an employee shall be granted their vacation leave Equitable and considerate treatment of all employees as well as work requirements will be the determining factors in the granting of vacation leave.

D. Employees will accrue their annual vacation leave allotment on a monthly basis. Vacation time taken will be recorded on an hourly basis. Employees may carry over any unused vacation days into the next fiscal year so long as they are used within 90 days of the beginning of the new fiscal year.

E. Permanent part-time employees shall be entitled to vacation leave as follows: An employee with one (1) year of continuous employment with the Town shall be entitled to four (4) hours vacation leave for every one hundred (100) hours worked, based on the previous 52 week average. [Added 4-21-1987 ATM, Art. 39] To be amended in Spring of 2013

Holidays

The Town observes all holidays designated by the Commonwealth. Employees receive the following paid days off:

- | | |
|--------------------|------------------|
| New Year's Day | Fourth of July |
| Martin Luther King | Labor Day |
| Patriots' Day | Columbus Day |
| Presidents' Day | Veteran's Day |
| Memorial Day | Thanksgiving Day |
| | Christmas Day |

If the regular day off is Saturday and any such legal holiday falls on a Saturday, such person shall, where possible, be given the preceding Friday off without loss of pay. If the holiday falls on Sunday, such person shall take the following Monday. If said day off cannot be given by reason of a personnel

shortage or other cause, the employee shall be given an additional day subject to approval of the Department Head, or at another work day mutually agreed upon between the employee and the Department Head within the next thirty (30) days.

In the event an employee's regular day off, vacation day or a day on which the employee is absent from duty because of injuries sustained in the line of duty falls on any paid holiday, the employee shall be granted an additional day off.

Sick Time

A. Sick Leave is considered to be an emergency fringe benefit to be used only as needed and will be granted in accordance with the provisions of this section to each employee when the employee:

(1) Is incapacitated for the performance of their duties by non-occupational sickness or injury, except any sickness or injury resulting in whole or in part from the voluntary use of intoxicating liquor, drugs or narcotics, and any injury which is incurred in gainful employment or self-employment other than as an employee of the Town.

(2) Is required to give care and attendance to their spouse, child, parent, or other member of his immediate family or household who is afflicted with a contagious disease.

(3) Would jeopardize the health of others by his presence on duty because of exposure to a contagious disease.

(4) Has notified his/her immediate supervisor or Department Head within one (1) hour before the start of the regular work day, unless physically unable.

(a) Failure to do so will result in the forfeiture of pay.

(b) The Town reserves the right to request a doctor's statement for any time missed due to illness.

(c) Illness for which sick leave may be granted is defined as actual personal illness or bodily injury.

B. Each full-time employee shall accrue sick leave at the rate of ten (10) hours per month for each month of employment which shall be pro-rated in accordance with their regularly scheduled weekly hours. Full-time employees shall accumulate from year to year up to a limit of 960 hours. An employee who has unused sick leave to his credit at the time his employment with the town is terminated shall not be paid for such leave.

Employees are entitled to paid time off for personal illness. The Town expects employees to use good judgment in determining whether sick leave is needed. Employees are expected to contact their manager prior to the start of their scheduled shift if they are not able to report for work.

Each permanent part-time employee shall accrue sick leave at the rate of five (5) hours per month for each month of employment in accordance with their regularly scheduled weekly hours. Sick leave shall be cumulative from year to year up to a limit of 480 hours for permanent part time employees. Employees are not entitled to receive payment for any unused sick leave at the time he or she ends employment with the Town, whether voluntarily or otherwise.

A Department Head is authorized to approve or disapprove sick leave. In those situations that indicate excessive absence or where there appears to be an abuse of the sick leave privilege, a medical certificate may be required for any absence attributable to sickness, stating that the employee was unfit to perform their duty. In those cases where an employee's request for sick leave is not approved, the absence shall be considered to be unauthorized, and shall not be paid for the period of such absence.

C. Notwithstanding the provisions of Subsection B of this section, an employee shall be entitled to sick leave only after being currently employed by the Town for a continuous period of ninety (90) calendar days. After completing said ninety day period, the employee shall be entitled to be credited with the sick leave that would have accrued to him during such period under Subsection B excepting for the provisions of this Subsection C.

Town of Newbury Employee Handbook

D. The Department Head is authorized to approve or disapprove sick leave. An employee who is absent from duty on account of illness or injury shall notify the person authorized to approve sick leave of the reason for their absence before or at the beginning of their scheduled tour of duty. Sick leave not in excess of three (3) consecutive work days will ordinarily be approved without a medical certificate from the employee's attending physician. However, in those cases that indicate excessive absence on account of sickness or where there appears to be an abuse of the sick leave privilege, a medical certificate may be required for any absence attributable to sickness, stating that the employee was unfit to perform their duty. Absences in excess of three (3) consecutive work days must be supported by a medical certificate. In those cases where an employee's request for sick leave is not approved, their absence shall be considered to be unauthorized, and he shall receive no pay for the period of such absence.

E. An employee who is unable to work because of an occupational injury, which is incurred in the course of his employment by the Town and which is compensable under the provisions of the Massachusetts Workmen's Compensation Act, Chapter 152 of the General Laws, shall, upon his written request to his Department Head, receive as a charge against his accrued sick leave the difference between his current salary and the amount he receives as workmen's compensation.

F. Each permanent part-time employee shall accrue sick leave at the rate of 5 hours per month for each month of employment in accordance with their regularly scheduled weekly hours. Sick leave shall be cumulative from year to year up to a limit 480 hours. An employee who has unused sick leave to his credit at the time his employment with the Town is terminated shall not be paid for such sick leave. [Added 4-21-1987 ATM, Art. 41, Amended 10-23 2012 STM, Art. 9]

Maternity Leave

Full time female employees *and their spouses* who have been employed for at least 6 months are entitled to two months leave for the birth or adoption of a child. This leave is unpaid, but employees may use any accrued sick or vacation time for the leave. Employees will be eligible to return to their position, or a similar position, at the end of two months. Any leave taken for maternity leave may be considered Family and Medical Leave and will be counted against the employee's annual Family and Medical leave benefit.

Employees may be entitled to additional time off for maternity leave under the Family and Medical Leave policy, or at the discretion of their manager under the Town's unpaid leave policy. However, employees taking additional unpaid leave at the discretion of the department are not entitled to return to their former position.

Family and Medical Leave Policy – FMLA

See United States Department of Labor at: www.dol.gov/dol/siteindex.htm - for FMLA.

Leaves Absence will be governed by the FMLA.

For non-FMLA leaves in excess of two weeks, requests must be approved by the Town Administrator, and shall contain a detailed statement of the reason for the request.

Bereavement Leave

Full-time employees may be granted, at the discretion of the department head or appointing authority, a leave of absence without loss of pay for periods not in excess of three (3) consecutive work days in the event of a death in their immediate families. Immediate family shall include parents, brother, sister, husband, wife, child, father or mother-in-law, grandparent, sister or brother-in-law.

Jury Duty

Employees called for jury duty shall be paid the difference between regular pay and the compensation received by him as a juror, exclusive of travel allowances. Employees shall be compensated only for those dates on which they are scheduled to work. While on jury duty the employee will be issued his/her regular payroll check and all

remuneration from the courts (less any appropriate travel allowance) must then be turned over to the Finance Department. The accrual of regular employee benefits will not be affected by the leave of absence.

No employee will be penalized for any time spent on jury duty.

An employee who voluntarily appears in court on his/her own behalf, or on behalf of someone other than the Town, is not entitled to paid time off under this policy. An employee who is required to appear in court under compulsory process will be permitted to take time off without pay.

Military Leave (USERRA)

See United States Department of Labor at: www.dol.gov/dol/siteindex.htm - for USERRA.
All town employees will be governed to abide by the law.

Benefits During Unpaid Leaves

During an approved leave-of-absence without pay, group medical and dental insurance coverage may be continued, but the employee will normally be responsible for paying the full cost of the premiums while on leave. However, for the first six (or three) months of leave due to medical or disability reasons, including an eight-week maternity leave, the employee will be responsible for paying the normal deduction amount for medical coverage (see Family and Medical Leave policy). It is important to make arrangements with the Finance Department in advance to ensure uninterrupted coverage.

Group Life Insurance will continue at no cost to the employee during an approved leave. Supplemental Life Insurance can be maintained if the employee makes arrangements with the Finance Department to continue the premium payments.

Contributions to the retirement plan will be discontinued during an unpaid leave, as will vacation and sick leave accruals.

Other Leaves of Absence

Leave of absence for personal reasons may be granted at the discretion of the employee's manager and/or appointing authority and upon approval of the Personnel Board.

A personal leave-of-absence without pay, for a period not to exceed one month may be granted to full time employees in exceptional circumstances. When a personal leave is granted, it is understood that the employee will use all available vacation days at the beginning of the leave. With personal leaves, departments will normally agree to hold the employee's position until his/her return. However, in rare cases a leave may be granted even though the department intends to fill the position. In such cases, there can be no guarantee that a position will be available.

Employees failing to return from a personal leave on the date agreed upon will be considered to have voluntarily resigned as of that date.

The request for a personal leave-of-absence must be submitted in writing to the employee's immediate manager. The request should be made at least 30 days prior to the start of the leave (or 14 days when requesting an extension of a current maternity leave). Each application will be reviewed on its own merits after consideration of the reasons for the request and the effect on the department.

Benefit Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees who lose their health benefits the right to continue group health benefits provided by The Town plan when a “qualifying event” would normally result in the loss of coverage.

Under COBRA, the employee or family member may qualify to keep their group health plan benefits for a set period of time, depending on the reason for losing the health coverage See United States Department of Labor at: www.dol.gov/dol/siteindex.htm - for COBRA.

5. EMPLOYEE INSURANCE BENEFITS

This portion of the Employee Handbook contains a very general description of the benefits to which employees may be entitled as an employee of The Town. This general summary is not intended to, and does not provide all the details of these benefits. Therefore, this Handbook does not change or otherwise interpret the terms of the official plan documents. Your rights can be determined only by referring to the full text of the official plan documents, which are available to you through the Finance Department.

Health Insurance

The Town currently offers medical health coverage to regular full-time and regular part-time employees working a minimum of twenty hours per week on a regularly scheduled basis and who have been employed by the Town for 30 days.

The medical plan provides comprehensive hospital and major medical insurance coverage. Employee can elect individual or family coverage. However, an employee may only change coverage during the annual enrollment period effective July 1 each year. The Town pays a percentage of the medical premiums costs and the employee is responsible for the remainder of costs which are deducted bi-week from their paycheck.

You have up to 30 days from your employment date to make your medical plan election. Please contact the Finance Department should you have questions regarding your medical coverage, plan documents and/or IRS regulations.

Dental Insurance

The Town currently offers dental plan coverage to regular full-time and regular part-time employees working a minimum of thirty hours per week on a regularly scheduled basis and who have been employed by the Town for 30 days.

The dental plan provides comprehensive coverage through participating dentists. Employee can elect individual or family coverage. However, an employee may only change coverage during the annual enrollment period effective July 1 each year. The Town pays a percentage of the dental premiums costs and the employee is responsible for the remainder of costs which are deducted weekly from their paycheck.

You have up to 30 days from your employment date to make your dental plan election. Please contact the Finance Department should you have questions regarding your medical coverage, plan documents and/or IRS regulations

Optional Life & Accidental Death and Dismemberment Insurance

The Town currently offers optional Group Term Life Insurance and/or Accidental Death and Dismemberment insurance to regular full-time and regular part-time employees working a minimum of thirty hours per week on a regularly scheduled basis and who have been employed by the Town for 30 days.

Should an employee elect coverage, they are eligible for coverage in the amount of \$5,000 for the Group Term Life and \$5,000 for the Accidental Death and Dismemberment insurance.

Retirees will continue their Group Term Life Insurance (in the amount of \$1,000) if in the plan at the time of retirement.

Voluntary Short/Long Disability & Life Insurances

All employees can elect voluntary short term and/or long term disability coverage for themselves, as well as voluntary life term insurances. Employees may elect optional coverage after 30 days of employment of employment. Payroll deductions for this coverage are made on a bi-weekly basis.

Pension/Retirement

The defined benefit retirement system is provided to eligible employees under the Essex Regional Retirement System and governed by Massachusetts General Laws, Chapter 32. The retirement program provides retirement, disability, survivor and death benefits to qualified members and their beneficiaries. Membership in the retirement plan is mandatory to full and eligible part time employees. Contributions to the retirement program are made through payroll deductions on a pre-tax basis. An employee's contribution percentage is based on their compensation level at the time they join the retirement program.

The Town currently provides supplemental group medical and dental insurance to retirees and their spouses. The Town also currently pays a percentage of the retiree group medical and dental insurance, as well as the life and accidental death and dismemberment insurance. Retirees can also obtain life and health coverage through the General Insurance Commission (GIC).

Full time employees earn one (1) year of creditable service for each completed year of employment. Eligible part time employees with less than full time hours earn creditable service time equal to the percentage of their full time service rate. In some cases, employees may be eligible to add creditable service credit by buying back prior public service employment.

A member is "vested" in the retirement program if they became a member after 1/1/78 and have at least ten (10) years of service. In order to retire, an employee must have twenty (20) years of creditable service and be at least fifty-five (55) years of age.

Retirement benefits are based on a member's age, amount of creditable service and the average of the three (3) highest consecutive year's salaries and your group classification.

Further plan information is available through the Essex Regional Retirement System <http://www.essexregional.com>.

The Town has part-time, fractional and seasonal employees who are not eligible to participate in the Essex Regional Retirement System. The federal Omnibus Budget and Reconciliation Act of 1990 (OBRA) requires that employees not eligible to participate in their employer's retirement program be placed in Social Security or another program meeting federal requirements. Qualified employees of the Town of Newbury are required to participate in the Massachusetts Deferred Compensation SMART Plan administered by the Office of the State Treasurer. The SMART Plan meets the requirements of OBRA and is mandatory for all part-time, fractional and seasonal employees of the Town of Newbury.

Worker's Compensation

Employees who are injured while on the job in the Town's service are covered under a statutory state Workers' Compensation law. This coverage provides partial income payments in lieu of lost wages, as well as certain injury-connected medical payments. Worker's Compensation benefits are coordinated with the Town's sick leave policies.

Any employee injured on the job should notify his/her manager promptly. An injury report will be completed by the manager and will be forwarded to the Finance Department. Payments for compensated injuries are made in accordance with the law.

6. CORRECTIVE ACTION/EMPLOYEE GRIEVANCE

Corrective Action

Behavior requiring correction means conduct, whether by act or omission, which interferes with or affects the orderly, efficient operations of the town. It includes any violation of rules/regulations, unsatisfactory work performance (whether caused by inability or unwillingness) or off-duty behavior which adversely affects the employment relationship.

The corrective action process will usually proceed in the following progressive steps:

- Verbal Discussion
- Written Warning
- Final Written Warning or Suspension
- Suspension or Discharge
- Discharge

These steps may be modified based on the facts and circumstances of each case. Some misconduct may be so serious as to cause immediate suspension or discharge. All steps in this corrective action plan should be applied in a timely, consistent manner by the department head and/or immediate manager of the offending employee.

It is the department head or managers responsibility for investigating the circumstances surrounding the behavior requiring corrective action as completely as possible, including a discussion with the employee to obtain his/her viewpoint of the facts. If immediate removal of the employee from the workplace is necessary to prevent injury, work disruption or other serious consequences, the employee may be suspended pending the investigation.

Employees should be given clear explanation of the misconduct or performance deficiency and the reason and nature of the corrective action expectations. Copies of all written disciplinary or corrective actions, except verbal discussions, should be retained in the employee's permanent personnel record.

Employee Grievance

The Town is committed to providing a positive and rewarding work environment for all employees. It is important for employees and manager to communicate with each other so that employment expectations are clear. From time to time disagreements may occur which cannot be amicably resolved and employees are entitled to file a grievance.

This grievance procedure applies to all employees of the Town, except officials and those employees who are subject to a collective bargaining agreement.

A "grievance" is defined as any dispute between an employee and his department head or manager arising out of an exercise of administrative discretion by such department head or manager with respect to the conditions of employment of the employee.

A grievance will be processed as follows:

Level One. The employee shall first present his grievance in writing to his immediate manager. The grievance must give a summary of the facts involved and the relief desired. The immediate manager will advise the employee in writing of his decision with respect to the grievance within five (5) working days after the grievance is presented.

Level Two. If after five (5) working days following the presentation of the Level One grievance, the employee is not satisfied with the resolution, the employee has five (5) working days to submit his grievance in writing to the Department Head. The written grievance must give a summary of the facts involved and the relief desired. If the employee's immediate manager is also his/her Department Head, the employee will follow the Level Three procedure, outlined below.

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Within ten (10) working days after receipt of the written grievance the Department Head shall meet with the employee and his representative, if he elects to have one, in an effort to settle the grievance. Within ten (10) working days after the conclusion of this meeting, the Department Head will advise the employee of his or her decision in writing.

Level Three. If at the end of the twenty (20) working days after presentation of the grievance at Level Two, the grievance shall not have been resolved to the employee's satisfaction, the employee may within five (5) working days submit his grievance to the Personnel Board acting as the Personnel Relations Review Board.

Within ten (10) working days after receipt of the written grievance, the Personnel Relations Review Board shall meet with the employee and his representative, if he elects to have one, in an effort to settle the grievance. The Board shall within ten (10) working days after the conclusion of said meeting advise the employee in writing of its decision. The decision of the Board with respect to said grievance shall be final.

Any grievance which has not been filed at Level 2 (or Level 3, if the manager and department head are the same person) within twenty (20) days of the occurrence of the grievance or the date of first knowledge of its occurrence by an employee affected by it, the grievance shall be deemed to have been waived.

The time limits outlined here for bringing and processing a grievance may be extended by mutual agreement of the parties.

Employee Code of Conduct

To ensure orderly operations, the Town of Newbury expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment. This list has been established to serve as examples of behavior that could warrant a range of disciplinary actions. Appropriate levels of discipline may be based on the severity of employee behavior. This list is not exhaustive.

- Displaying a disrespectful and/or inappropriate behaviors toward an employee or manager
- Refusing to do assigned work or failing to carry out the reasonable assignment of a manager or department head;
- Being inattentive to duty, including sleeping on the job;
- Falsifying a time record or giving false information to anyone whose duty is to make such record;
- Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization;
- Failing to report an On the Job Injury (OJI);
- Smoking on company premises
- Conducting oneself in any manner which is offensive, abusive or contrary to common decency or morality; carrying out any form of harassment including sexual harassment;
- Operating Town-owned vehicles, equipment or private vehicles on Town business without proper license or operating any vehicle on town property or on town business in an unsafe or improper manner;
- Having an unauthorized weapon, firearm or explosive in the workplace
- Appropriating town equipment, time or resources for personal use or gain
- Computer abuse, including but not limited to, plagiarism or programs, misuse of computer accounts, unauthorized destruction of files, creating illegal accounts, possession of unauthorized passwords, disruptive or annoying behavior on the computer and non-work related utilization of computer software or hardware;
- Conviction of a felony;
- Misusing or willfully neglecting town property, funds, materials, equipment or supplies;
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty;

- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Interfering in any way with the work of others;
- Stealing or possessing without authority any equipment, tools, materials or other property of the town or attempting to remove them from the premises without approval or permission from the appropriate authority;
- Marking or defacing walls, fixtures, equipment, tools, materials or other town property, or willfully damaging or destroying property in any way;
- Willful violation of safety rules or town policies

Conflict of Interest

The Town of Newbury expects its employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interest of the town. Business dealings that appear to be in conflict between the interests of the Town of Newbury and an employee are unacceptable. The Town of Newbury recognizes the right of its employees to engage in activities outside of their employment which are of a private nature and unrelated to town business. However, employees must disclose any possible conflicts so that the town may assess and prevent potential conflicts of interests from arising.

A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal gain for the employee or an immediate family member as a result of town business dealings.

A violation of this policy will result in immediate and appropriate discipline up to and including termination of employment.

Disclosure of Confidential Information

All town records and information relating to town business are confidential and employees must, therefore, treat all matters accordingly. No town related information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the town) may be removed from the town's premises without permission from the town. Additionally, the contents of town records and information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose.

Employees must not disclose any confidential information, purposefully or inadvertently through casual conversation, to any unauthorized person. Employees unsure about the confidential nature of specific information must ask their manager for clarification. Employees may be subject to appropriate disciplinary action, up to and including termination, for knowingly or unknowingly revealing information of a confidential nature.

Customer Relations & Service

All employees of the Town are expected to serve the public, visitors and other Town employees and officials with the utmost care and courtesy. This commitment, as part of employment with The Town of Newbury, is to be reflected in verbal and non-verbal communications, prompt response, respect and the recognition that everyone's time is very valuable.

No Solicitation/Distribution

Employees may not solicit any other employee during working time, nor may employees distribute literature in work areas at any time. Under no circumstances may an employee disturb the work of others to solicit or distribute literature to them during their working time.

Persons not employed by the Town may not solicit employees for any purposes on town premises.

7. LEAVING EMPLOYMENT

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Employment with Town of Newbury is “at-will”. Both the employee and the Town of Newbury have the right to terminate employment at will, with or without cause, at any time.

All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee may be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

An employee who elects to leave employment with the Town is expected to give at least two weeks notice to his or her manager. Employees are expected to return any keys, tools or other equipment which may have been provided by the Town for the purposes of employment duties.

Unless otherwise provided by law, employees will be paid any accumulated but unused vacation leave upon the termination of employment, but will not be paid for any accumulated by unused sick leave.

Resignation

Employee resignations are a voluntary act initiated by the employee to end employment with the Town of Newbury. To remain in good standing for re-employment, it is recommended that the employee give a minimum of a two week written notice to his/her manager and/or department head. The department head and/or manager of the exiting employee should also schedule a time to meet with employee prior to his/her last day of work to better understand the reason(s) for the employee's resignation.

The employee's manager and/or department head should complete a Personnel Action Form (PAF) reflecting the last day of work. In advance of the employee's last day, the department head and/or manager should forward the completed PAF form with the employee's letter of resignation to the Town Administrator's office. The manager should also direct the employee resigning to contact the Town Administrator's office should that employee have any questions regarding final pay, benefits, retirement and COBRA continuation.

Employees are responsible for the return to their manager of all town property, materials, or written information issued to them or in their possession or control. All The Town of Newbury property must be returned by employees on or before their last day of work.

Pay In Lieu of Notice

The Town of Newbury reserves the right to provide payment in lieu of allowing employees to work during the notice period given by resigning or terminating employees. Pay in lieu of notice will not exceed the amount of notice required.

Unemployment Compensation

An employee who suffers job loss or reduction in hours may file a claim with the Division of Unemployment Assistance (D.U.A.) who determines claimant's eligibility to receive a certain level of wage replacement for a period defined by state law. The claimant may also receive a dependency allowance. The D.U.A also administers an appeal process for unemployment compensation benefits under dispute.

PURPOSE AND LEGAL EFFECT OF THIS EMPLOYEE HANDBOOK

The Town of Newbury owes much of its success to the quality and good work of its employees and hopes that the working environment of each employee will be stimulating, congenial and rewarding. The purpose of this Handbook is to provide the Town of Newbury employees with a partial summary of the Town of Newbury's general employment guidelines and employee benefits which help make such a work environment possible. This Handbook is a "living document," and the information contained within it can be changed as circumstances demand. As such, The Town of Newbury can and will terminate and/or change, in whole or in part, any of the information contained in this Handbook with or without notice at any time during or after active employment.

As the Town of Newbury provides the information contained in this Handbook for general guidance only, **employees should not expect The Town of Newbury to adhere to it in every instance.** Accordingly, nothing stated in this Handbook is intended or should be understood to create a binding contract between The Town of Newbury and any one or all of its employees.

Employment with the Town of Newbury is "at-will." At-will employment means that either the employee or The Town of Newbury may terminate an employee's employment and compensation with or without notice at any time and for any or no reason or cause. The Town of Newbury is not bound to follow any policy, procedure, or process in connection with employee discipline, employment termination, or otherwise.

Neither this Handbook, The Town of Newbury practice, nor other oral or written policies or statements of The Town of Newbury or its agents shall create an employment contract, guarantee a definite term of employment, or otherwise modify in any way the agreement and understanding that employment with The Town of Newbury is at-will. No representative of The Town of Newbury, except The Town of Newbury's Board of Selectmen, has any authority to enter into any agreement contrary to the foregoing. This Handbook is not intended to take the place of more detailed benefit plan documents, and in the event of conflict with those plan documents, the latter shall be deemed controlling.

I acknowledge receipt of this Handbook and acknowledge that I have read and understand the foregoing information concerning the "Purpose and Legal Effect of this Employee Handbook."

Print - Employee Name: _____

Signature of Employee: _____

Date: _____