

Town of Rochester

Personnel By-Law

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Part I

Application, Purpose, Discrimination, Benefits

Application: All full-time and regular part-time positions not covered by any collective bargaining agreement, other than the School Committee and positions under their control, shall be subject to the provisions of this by-law.

(Amended: Article 4A Annual Town Meeting June 5, 2000)

Purpose: It shall be the purpose of this by-law to provide to department heads, supervisors and employees policies for assuring the maintenance of an equitable personnel management system. The policies have as their purpose to promote the efficiency and economy of government, to promote the morale and well being of employees, and to provide equitable employment opportunities for employees and for candidates for employment in Town service.

Nothing in this personnel by-law shall be construed to conflict with any special law enacted for the Town of Rochester or any permissive State statute accepted by the Town of Rochester, other By-laws, Administrative Policies and Procedures, or any provision of the Massachusetts State Constitution. To the extent that any apparent conflict exists, it shall be determined in favor of the higher State statute or provision of the Massachusetts State Constitution.

Discrimination: Discrimination against any person in recruitment, examination, appointment, training, promotion, transfer, retention or other personnel action because of political affiliation, race, creed, color, national origin, age, sex, handicap or other non-merit factor is prohibited. The Town of Rochester is an equal opportunity employer.

Sexual Harassment: Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment. The Personnel Board will keep on file with the Board of Selectmen the Town's official sexual harassment policy and procedures, which will accurately reflect current Federal and State guidelines.

Except where the context indicates otherwise, the masculine pronouns used in this by-law should be understood to include the corresponding female pronouns.

Definitions: For the purposes of this By-law, the following definitions shall apply:

Employment Date - The date on which an employee commences performance of duties and is placed on the payroll.

Exempt Officials - Exempt official means any person exempt from the provisions of this By-law. Exempt Officials include elected officials, Town Administrator, or any persons hired under an individual employment contract, persons under the control of the School Committee, and members of boards, commissions and committees.

(Amended: Article 4B Annual Town Meeting June 5, 2000)

Job Description - The written description of a position, submitted by the department head and

Adopted: Article 28(A) Annual Town Meeting June 9, 1997

Revised through August 19, 2022 - Treasurer

approved by the Personnel Board, including the title, a statement of the nature of the work, examples of duties and responsibilities, and the minimum qualification requirements that are necessary for the satisfactory performance of the duties of the position.

(Amended: Article 4C Annual Town Meeting June 5, 2000)

Permanent Employee – An employee who has satisfactorily completed an individual probationary period, who is not seasonal/casual, in an approved position in Town service, and who works 20 hours or more regularly scheduled hours per week.

(Amended: Article 4D Annual Town Meeting June 5, 2000)

Personnel Board –The Personnel Board shall be a four-member board. Three members of the Personnel Board shall be appointed by the Chairman of the Finance Committee, the Chairman of the Board of Selectmen, and the Moderator (collectively “Appointing Committee”). These three members shall be residents of the Town and shall not be employed by the Town, elected officials of the Town or those serving the Town in any other appointive capacity. The fourth member shall be elected by a majority of Town employees covered by the Personnel By-law Classification and Compensation Plan and shall serve on a non-voting, ex-officio capacity. All four members shall serve without compensation. Members shall serve for a term of three years. All members shall continue to hold office until their successor has been appointed and duly qualified. In absence of a Personnel Board, the Select Board shall act in lieu of a Personnel Board and may appoint a mediator or independent third party to address issues involving personnel actions by the Select Board.

(Amended: Article 28(A) Annual Town Meeting Reconvened June 17, 1997)

(Amended: Article 4E Annual Town Meeting June 5, 2000)

(Adopted: Article 14 Annual Town Meeting June 3, 2002)

(Amended: Article 1 Special Town Meeting October 29, 2007)

(Amended: Article 10 Annual Town Meeting May 23, 2022)

Seasonal/Casual Employee - An individual who works limited periods of time.

Work Week - A workweek commences at 12:01a.m. Sunday and ends Saturday 12:00 a.m. (midnight)

(Amended: Article 4F Annual Town Meeting June 5, 2000)

Benefits: Employees covered by this by-law must perform regularly scheduled duties not less than twenty (20) hours during each normal workweek of employment to be eligible for any and all benefits covered by this by-law. Part-time employees scheduled to work less than twenty (20) hours shall not be entitled to any accruals and other fringe benefits.

(Amended: Article 4G Annual Town Meeting June 5, 2000)

Probationary Period: The first six (6) months of continuous employment of an employee shall constitute his/her probationary period. No transfer, layoff, suspension, discipline or discharge made during an employee's probationary period shall be construed as a violation of the provisions of this by-law.

(Amended: Article 4H Annual Town Meeting June 5, 2000)

(Amended: Article 8 Special Town Meeting October 17, 2016)

Adopted: Article 28(A) Annual Town Meeting June 9, 1997

Revised through August 19, 2022 - Treasurer

<i>Part II</i>

Work Hours

The normal work hours of Town employees covered under this by-law shall be as follows:

Office employees	37.5 hours per week
Other full-time employees	40 hours per week
Part-Time employees	Varied

The respective operating department, subject to the approval of the Personnel Board, shall establish the normal hours per day and days per week or those otherwise established by law.

Each regular full-time employee shall be provided with a one-half (1/2) hour unpaid meal period during the workday. Said meal period to be scheduled as close to the middle of the work shift as possible. All employees' work schedules shall provide for two (2) twenty (20) minute coffee breaks. Each coffee break shall be scheduled as close to the middle of the first half and second half of the shift, respectively, as possible. Those employees not partaking of the coffee breaks either by choice or circumstances may, at the discretion of the Department Head, add the equivalent period to the lunch break.

(Amended: Article 4I Annual Town Meeting June 5, 2000)

Payroll: The Town payroll covers the fourteen (14) day period ending every other Saturday.

(Amended: Article 28(A) Annual Town Meeting June 17, 1997 reconvened)

(Amended: Article 7 Special Town Meeting October 30, 2006)

Extra Pay/Overtime

All non-supervisory employees will be paid straight time for such hours up to (40) forty hours in a calendar week. If such non-supervisory employees perform work for more than 40 hours in any calendar week, they shall be paid for overtime work in excess of (40) forty hours at the rate of one and one-half times their regular weekly pay divided by the number of hours in their normal work week schedule, unless exempted by Federal Law.

Exempt Professional employees are not entitled to overtime

(Adopted: Article 13 Annual Town Meeting June 3, 2002,)

(Amended: Article 17 Annual Town Meeting June 4, 2007)

Overtime shall be worked only when necessary in the judgment of the Department Head and shall be authorized by the Department Head in advance.

Adopted: Article 28(A) Annual Town Meeting June 9, 1997

Revised through August 19, 2022 - Treasurer

<i>Part III</i>

Recruitment

Proposed new positions established under this by-law, including part-time, temporary, and seasonal positions, shall be incorporated into the compensation plan with the approval of the Personnel Board.

Department heads shall submit job descriptions for new positions or revised job descriptions to the Personnel Board prior to October 31st for positions that will require Town Meeting budget action for the next fiscal year.

(Amended: Article 4J Annual Town Meeting June 5, 2000)

(Adopted: Article 11 Annual Town Meeting June 4, 2001)

(Amended: Article 14 Annual Town Meeting June 4, 2007)

Whenever possible, it shall be the policy of the Town to promote qualified persons, based on job performance and other factors, including seniority, from various departments to fill vacancies. Employees holding part-time positions, and who are qualified, will be considered when filling vacancies to permanent positions.

The decision to transfer or promote from within shall be made on the basis of qualifications, ability, and dependability and, where such factors are relatively equal, seniority shall be the determining factor. If no applicant is qualified, the Town may fill the position from the outside.

The Town of Rochester is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, job applicants may be required to submit periodic body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol.

Applications for employment may be rejected if (1) the applicant lacks the established qualification requirements for the position, (2) the applicant is physically unfit to perform the duties of the position, and (3) the applicant has been dismissed from previous employment for delinquency, insubordination, misconduct including sexual harassment, or has resigned because of delinquency or misconduct.

The Personnel Board, who is empowered to make the hiring decision with the Department Head shall be the judge of qualifications, ability and dependability, provided that such judgment is not exercised arbitrarily, capriciously, or unreasonably.

The Department Head shall determine which test, if any, or combination of tests will be used to evaluate the relative fitness of each candidate or each position, whether it be a promotion or original appointment. A variety of tests may be employed, including, but not limited to: assessment of training and experience, oral interview, written examination, performance test, physical examination and reference checks. Each test will be utilized and administered on a standardized basis to ensure equity and fairness.

Adopted: Article 28(A) Annual Town Meeting June 9, 1997
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Seniority, as used in this by-law, is defined as the length of service of the employee in the employment of the Town. Seniority shall not be broken by vacation leave, sick leave, maternity/paternity leave, injured leave, leave without pay, suspension, or any call to military service.

(Amended: Article 4J Annual Town Meeting June 5, 2000)

(Amended: Article 8 Special Town Meeting October 17, 2016)

Probationary Period

During the Probationary Period, an employee will be observed and evaluated on his or her conduct, performance against specified goals and objectives, and work habits.

An employee shall accrue authorized leave benefits as outlined in the by-law during this period, but, apart from accrued sick leave, may not use these accrued benefits as paid leave until successfully completing the first six months of the Probationary Period.

During the Probationary Period the employee does not have access to the by-law's Grievance Procedure, and may be terminated with or without cause at any time by the Hiring Authority, upon the recommendation of the Department Head or Supervisor.

Upon completion of the Probationary Period, the Hiring Authority shall notify the employee in writing of the decision that the employee has or has not attained Permanent Employee status. This decision shall be based upon a performance appraisal and recommendation made by the employee's Department Head or Supervisor. Such notification shall be placed in the employee's human resources file.

The Probationary Period may be extended for no more than three (3) months at the written request of the Supervisor with the approval of the Personnel Board.

(Amended: Article 4J Annual Town Meeting June 5, 2000)

(Amended: Article 8 Special Town Meeting October 17, 2016)

Part IV

Classification and Compensation Plans

Classification and Compensation Plans: The Classification Plan is a plan classifying positions covered under this by-law into groups and classes of positions, in which incumbents perform substantially similar work or have substantially equal responsibility. The Compensation Plan is a listing of salaries and wages allocated to pay grades by classes or positions.

Revised ATM June 9, 1997	Effective July 1, 1997
Revised ATM May 9, 1998	Effective July 1, 1998
Revised ATM June 7, 1999	Effective July 1, 1999
Revised STM October 25, 1999	
Revised ATM June 5, 2000	Effective July 1, 2000
Revised ATM June 4, 2001	Effective July 1, 2001
Revised ATM June 3, 2002	<i>Effective July 1, 2002</i>
<i>Revised ATM June 9, 2003</i>	<i>Effective July 1, 2003</i>
<i>Revised ATM June 7, 2004</i>	<i>Effective July 1, 2004</i>
<i>Revised STM November 15, 2004</i>	
<i>Revised ATM June 5, 2005</i>	<i>Effective July 1, 2005</i>
<i>Revised ATM June 5, 2006</i>	<i>Effective July 1, 2006</i>
<i>Revised ATM June 4, 2007</i>	<i>Effective July 1, 2007</i>
<i>Revised ATM June 2, 2008</i>	<i>Effective July 1, 2008</i>
<i>Revised ATM May 18, 2009</i>	<i>Effective July 1, 2009</i>
<i>Revised ATM May 17, 2010</i>	<i>Effective July 1, 2010</i>
<i>Revised ATM May 23, 2011</i>	<i>Effective July 1, 2011</i>
<i>Accepted ATM May 21, 2012</i>	<i>Effective July 1, 2012 (no changes)</i>
<i>Revised ATM May 20, 2013</i>	<i>Effective July 1, 2013</i>
<i>Revised ATM May 19, 2014</i>	<i>Effective July 1, 2014</i>
<i>Revised ATM June 8, 2015</i>	<i>Effective July 1, 2015</i>
<i>Revised ATM June 13, 2016</i>	<i>Effective July 1, 2016</i>
<i>Revised ATM May 22, 2017</i>	<i>Effective July 1, 2017</i>
<i>Revised ATM May 21, 2018</i>	<i>Effective July 1, 2018</i>
<i>Revised ATM May 20, 2019</i>	<i>Effective July 1, 2019</i>
<i>Revised ATM June 22, 2020</i>	<i>Effective July 1, 2020</i>
<i>Revised ATM May 24, 2021</i>	<i>Effective July 1, 2021</i>
<i>Revised ATM May 23, 2022</i>	<i>Effective July 1, 2022</i>

See chart as voted at Town Meeting

Part V

Discipline, Work Performance and Discharge

(Amended: Article 4L Annual Town Meeting June 5, 2000)

Progressive Discipline: The purpose of this policy is to state the Town of Rochester's position on administering equitable and consistent discipline for unsatisfactory conduct and work performance in the workplace.

(Amended: Article 4M Annual Town Meeting June 5, 2000)

The Town of Rochester's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Disciplinary action may call for any of four steps - verbal warning, written warning, suspension with or without pay, or termination of employment - depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Grievances

All employees have a right to have grievances and concerns regarding employment heard in a fair, equitable, and timely manner. A grievance is defined as a question regarding the interpretation or application of a specific portion of the Personnel By-law. The decision to air a grievance will not result in any penalty to the employee, regardless of the final decision. All steps in the grievance procedure must be thoroughly documented in the employee's personnel file.

1. The employee should raise any questions, concerns, or grievances or any employee action with the immediate supervisor. The employee and supervisor are encouraged to work together to resolve the problem at this level. If the employee is still not satisfied, the employee may, within ten(10) working days of the immediate supervisor's decision or failure to act, submit a written grievance to the Department Head.
2. The Department Head will meet with the employee to discuss the case within ten (10) working days and will provide the employee with a response within ten (10) working days of their meeting. If the employee is still not satisfied, the employee may submit a written grievance to the Hiring Authority.
3. The Hiring Authority will meet with the employee to discuss the case within ten (10) working days and will provide the employee with a response within ten (10) working days of their meeting. If the employee is still not satisfied, the employee may submit a written grievance to the Personnel Board.
4. The Personnel Board will meet with the employee to discuss the case within ten (10) working days. Based on the written grievance and any other information presented, the Personnel Board will make a final determination concerning the case within ten (10) working days of their meeting. The employee shall have no further right of appeal.

Based on the small departments within the Town of Rochester, it is acknowledged that while there are 4 steps in this process, steps 1 and 2 or steps 2 and 3 will often involve the same parties and thus may be redundant for a high number of town employees.

Employees may bring fellow employee(s) during the grievance review to act as witnesses and should supply evidence supporting their case. Time limits may be extended with the agreement of both parties. The decision of the Personnel Board is final and binding.

(Amended: Article 4N-4O Annual Town Meeting June 5, 2000)

(Amended: Article 7 Special Town Meeting October 17, 2016)

Adopted: Article 28(A) Annual Town Meeting June 9, 1997

Revised through August 19, 2022 - Treasurer

5. Part VI

Rate Increases and Evaluations

(Amended: Article 4P Annual Town Meeting June 5, 2000)

Department Heads shall not receive pay increases until they have submitted their employees' evaluations. Employees will not receive step increases until they have received their evaluation.

(Amended: Article 4 Annual Town Meeting June 5, 2000)

Department Heads shall submit job descriptions for new positions or revised job descriptions to the Personnel Board prior to October 31st for positions that will require Town Meeting budget action for the next fiscal year.

Step Rate Increases: Every employee, covered by the compensation plan who has satisfactorily completed their probationary period for which step rate increases are provided under the Compensation Plan may be considered for an increase to the first or next higher step rate, as the case may be, within his compensation grade. Any such increase shall be effective on the first day of the fiscal year in which such increase is scheduled to take effect, until the maximum rate is reached. Such step rate increases shall be made only with approval of the Department Head and Personnel Board that the employee has performed satisfactorily for the previous twelve (12) months. Increases shall not be recommended for poor performance as demonstrated through employee evaluations. Step increases may be more than one step for extraordinary performance. All employee evaluations shall be completed and submitted to the Personnel Board by January 31 of each year.

Town employees whose position has been recommended for a grade increase because of added responsibilities shall be given a step assignment determined as follows:

1. Determine the pay rate the employee would receive with a step increase at the old grade at the beginning of the next fiscal year.
2. Find the step in the new grade that matches the pay level that is equal to or just higher than the pay level determined by step one.
3. Assign the step in the new pay grade that is one step higher than the one determined in step two.

(Amended: Article 4P, 4Q Annual Town Meeting June 5, 2000)

(Adopted: Article 12 Annual Town Meeting June 7, 2004)

(Amended: Article 18 Annual town Meeting June 4, 2007)

Longevity Pay

Regular, non-union, employees are entitled to receive longevity incentive pay at the completion of 5, 10, 20 and 25 years of service as a benefitted employee. Longevity incentive pay shall be paid out at the following rate increase schedule. The percentage increase reflects a percentage of the employee's base pay for each longevity step increase

5 years	2%	20 years	1%
10 years	2%	25 years	1%

Employees shall receive the pay increases reflected above beginning the next fiscal year after they reach the required length of service.

(Adopted: Article 4 Annual Town Meeting May 20, 2013)

(Amended: Article 4 Annual Town Meeting May 23, 2022)

Adopted: Article 28(A) Annual Town Meeting June 9, 1997

Revised through August 19, 2022 - Treasurer

Part VII

Holidays

The following days shall be considered as holidays and compensated for as provided for in this article:

New Year's Day	Juneteenth (signed by Governor 7/24/2020)
Patriot's Day	Presidents Day
Independence Day	Memorial Day
Labor Day	Columbus Day
Veteran's Day	Thanksgiving Day
Martin Luther King's Birthday	Day after Thanksgiving
	Christmas Day

Any other day declared a holiday by the Governor, General Court, or the Board of Selectmen.

If a holiday falls on a Saturday, it shall be celebrated on the Friday before the Saturday holiday, unless observed statewide on another day.

If a holiday falls on a benefited employee's regular workday, he shall receive time off without loss of pay. When a holiday falls on a regularly scheduled day off, benefited employees will be given another day off within a reasonable period of time.

Where any of the holidays enumerated above falls during an employee's vacation or a day that would otherwise be a regularly scheduled workday, the employee shall be entitled to an additional vacation day with pay, to be taken at the convenience of the Town.

A skeleton work force will be in effect on the day before Christmas so that each employee might have one of these two days as either a vacation day or personal day, subject to the following:

The Town, through its respective Department Heads, will determine adequate scheduling and staffing needs and arrangements for these days.

If a non-supervisory employee not regularly scheduled to work on holidays is called in or assigned to work on December 25th or Thanksgiving Day, he shall receive in addition to another day off within a reasonable period of time, time and one-half ($1 \frac{1}{2} \times$) his regular hourly rate for each hour he worked on said holiday.

Non benefited employees called in or assigned to work on Christmas Day or Thanksgiving Day shall receive time and one-half ($1 \frac{1}{2} \times$) their regular hourly rate for each hour they worked on said holiday.

(Adopted: Article 12 Annual Town Meeting June 9, 2003)

(Amended: Article 15 Annual Town Meeting June 4, 2007)

The Town will distribute a list of when holidays are to be celebrated on July 1st each year.

<i>Part VIII</i>

Vacations

Vacation leave shall be granted to benefited employees who have successfully completed their initial hiring probationary period, subject to the following provisions:

Employees who have completed less than six (6) months of employment shall not be entitled to vacation during their first partial year of employment.

Thereafter, employees shall be granted vacation leave with full pay on the anniversary date of each employee's date of hire per service year as follows:

0-6 months	0 days
1 year of continuous service	10 days (5 days of which may be taken in the second 6 months of employment)
5 years of continuous service	15 days
10 years of continual service	20 days

Greater than 10 years of continuous service an additional vacation day will be added each year until a maximum of 25 days has been reached.

In the event of termination of employment of any benefited employee who has been in the continuous service of the Town for at least one (1) year, such employee shall be paid for any portion of his vacation, which may have accrued from the employee's anniversary date. In the event of the death of an employee, any such accrued vacation pay shall be payable to his estate.

Benefited employees will be allowed to take vacations as they desire when reasonable notice is given to the Department Head. Where the Department Head determines that approving a requested vacation period will result in inadequate coverage to perform necessary work, he may deny the requested vacation period.

If more than one employee requests the same vacation period and the department Head determines that only one such leave can be approved, the determining factor will be the employee that requests the vacation period first.

Annual vacations shall not accumulate from year to year except when vacations cannot be taken for the Town's best interest, as determined by the Department Head or Board of Selectmen. A total of 5 vacation days may be carried forward to the next year and must be used within ninety (90) days of the employment anniversary date.

(Amended: Article 11 Annual Town Meeting June 2, 2008)

Vacation pay for any regular part-time benefited employee is to be paid according to the number of pro-rated days or hours per full-time week, which the employee is normally required to work.

(Amended: Article 16 Annual Town Meeting June 4, 2007)

Adopted: Article 28(A) Annual Town Meeting June 9, 1997
Revised through August 19, 2022 - Treasurer

Part IX

Sick Leave and Personal Leave

Personal Days

Full time employees will be allowed three (3) personal days a year. Part-time employees shall receive three (3) personal days according to the number of pro-rated days or hours per full time week, which the employee is required to work.

(Adopted: Article 6 Special Town Meeting October 23, 2000)

(Adopted: Article 7 Special Town Meeting November 15, 2004)

Physician's Certificate

If an employee has received a written warning concerning his sick leave record, the Town may require the employee to submit a physician's certificate in future absences for sickness prior to paying the employee for his absence.

The Town may require a doctor's certificate on return to work after being out sick for five (5) consecutive days."

(Adopted: Article 8 Special Town Meeting November 15, 2004)

Medical Examination

Each employee may be required to submit annually to a physical examination administered by a Town designated physician. Examination by a Town designated physician may be required at other times during the year where the Town has reason to doubt an employee's ability to perform his/her job in a safe fashion, endangering himself/herself or others. In such instances, the physician's report and recommendation may serve as a basis for medical probation or dismissal."

(Adopted: Article 9 Special Town Meeting November 15, 2004)

Sick Leave

A benefited employee may use sick leave when an immediate family member is ill. Immediate family is defined as parents, spouse, and children of an employee or the "significant other" of an employee who resides in the employee's home.

(Adopted: Article 10 Special Town Meeting November 15, 2004)

Accumulated Sick Leave

A benefited employee who has exhausted his accumulated sick leave as a result of catastrophic accident or illness resulting in four (4) calendar weeks or more of disability will, upon return to work for a period of twenty-six (26) weeks without use of sick leave, be entitled to receive back twenty five (25%) percent of the total sick leave used during the most recent period of disability. Employees shall repay the Town for any sick leave used if a third party should compensate the employee for lost wages as part of any settlement. The employee shall provide the Town with an affidavit that he or she will not receive any other compensation for lost wages prior to this sick leave recharge taking effect.

(Adopted: Article 11 Special Town Meeting November 15, 2004)

Non-Occupational Sick Leave

Benefited employees shall earn sick leave at the rate of one (1) day per month for each month actually worked up to a maximum of twelve (12) days per year. Unused sick leave may be allowed to accumulate from year to year up to a maximum of one hundred and twenty days (120).

Adopted: Article 28(A) Annual Town Meeting June 9, 1997

Revised through August 19, 2022 - Treasurer

Employees whose original date of hire is before July 1, 2016 shall be paid 50% of their last rate of pay for each unused day, not to exceed 120 days, upon retirement or resignation. This same benefit shall be paid to the estate of an employee who dies while employed by the Town. This "grandfathered" status will follow such an employee with any change in job title or description.

(Adopted: Article 15 Annual Town Meeting June 3, 2002)

(Amended: Article 14 Annual Town Meeting June 13, 2016)

Sick Bank: A sick bank shall be available for use by eligible employees covered by this by-law who have exhausted their own paid sick leave. The bank shall be maintained at the minimum of one (1) day (computed by hours) per employee after the first year of employment. Employees who have accumulated the maximum number (90) of sick days may donate the remainder of their unused sick leave for that year to the sick bank. Should the bank reach a maximum of ninety (90) days or more, there shall not be any days taken from the following year's sick leave. The initial grant of sick leave by the sick bank to an eligible employee shall not exceed forty-five (45) days. Upon completion of the forty-five (45) day period, the period of entitlement may be extended by the Personnel Board upon demonstration of need by the applicant with a certificate from a doctor.

Said Sick Bank shall be administered by the employees covered by this by-law.

The following criteria shall be used in determining eligibility and amount of leave:

1. Adequate medical evidence of serious illness from doctor;
2. Prior utilization of all eligible sick leave;
3. Length of service with the Town; and
4. No one case shall set a precedent for decision of subsequent cases.

Adopted: Article 28(A) Annual Town Meeting June 9, 1997

Revised through August 19, 2022 - Treasurer

<i>Part X</i>

Education Assistance

The Town recognizes the skills and knowledge of its employees are critical to the success of the organization. Benefited employees covered by this by-law are eligible for educational assistance.

The Town will pay 100% reimbursement for any job-related class for tuition fees only. Approval of courses will be determined by the Personnel Board. Classes must be taken at an approved college or university and will only be reimbursed upon submittal of at least a "B" grade or higher by the employee.

Tuition reimbursement will be capped at \$1,000 per employee per fiscal year.

(Adopted: Article 5 Special Town Meeting October 23, 2000)

<i>Part XI</i>

Insurance

Employees covered by this by-law working in excess of twenty (20) hours per week will be eligible for group health insurance, dental insurance and life insurance offered by the Town. Employees and the Town will share the cost of health, dental, and life insurance, with each paying 50% toward the cost of premiums. Employees covered by this by-law are eligible for up to \$10,000 in life insurance coverage, but may purchase more coverage at an additional rate. Employees covered by this by-law are eligible for continuation of health benefits in accordance with federal regulations.

(Adopted: Article 5 Annual Town Meeting June 5, 2000)

<i>Part XII</i>

Maternity Leave

An employee is entitled to at least twelve (12) weeks of unpaid maternity/paternity leave, provided that she/he has been employed at least three (3) consecutive months, subject to the other provisions of this section.

Said employee is entitled to return to the same or similar position without loss of benefits for which she/he was eligible on the date her/his leave commenced.

Accrued sick leave benefits shall be provided for maternity leave under the same conditions and terms, which apply, to other temporary medical disabilities. Accrued sick leave benefits shall be provided for paternity leave up to twenty (20) days under the same terms and conditions, which apply to other temporary medical disabilities. Sick leave benefits for paternity leave may be extended beyond twenty (20) days for medical reasons with the approval of the Personnel Board.

A maternity/paternity leave of absence without pay commencing no sooner than three (3) months before the expected birth and terminating no later than three (3) months subsequent to the birth of the child shall be granted to a pregnant employee or domestic partner provided, as follows:

Prior to the commencement of maternity leave, the employee shall indicate in writing her intention to work at the termination of the leave and that she shall notify the Department Head, with a copy to the Personnel Board if she decided not to return to work.

<i>Part XIII</i>

Bereavement Leave

Section 1. When a death occurs in your immediate family, the Department Head upon request shall grant bereavement leave without loss of pay for three (3) calendar days. "Immediate family" includes your spouse, child, parent, sister, brother, father—or mother-in-law, grandchild, grandparent or a person who is actually a member of and living in your household.

Section 2. The Department Head upon request shall grant bereavement leave, without loss of pay not to exceed one (1) day for death of a brother- or sister-in-law, son- or daughter-in-law, aunt, or uncle.

Section 3. Extension of bereavement leave may be granted by the Department Head only if such request is based upon special conditions affecting any member covered by this by-law.
(Adopted: Article 16 Annual Town Meeting June 3, 2002)

<i>Part XIV</i>

Jury Duty, Military Duty, Leave Without Pay

Section 1. Employees covered by this bylaw shall be allowed full pay for not more than ten (10) work days and shall be granted a military leave of absence without pay for the period of their required service with said forces in excess of ten (10) days.

Section 2. The Town agrees to pay the difference between an employee's wages and compensation received for jury duty.

Section 3. Leave without pay may be granted upon approval by the appropriate Department Head and Personnel Board. An employee may be granted leave without pay up to thirty (30) consecutive workdays. At the end of such leave, the employee shall return to the same or similar position at the same rate of pay. Failure to report promptly at the end of such leave shall be considered a resignation. During this type of leave, an employee shall not be eligible to accrue vacation leave or sick leave credits.

The Department Head shall be responsible:

To see that the conditions of each leave are faithfully recorded, and

To see that the Personnel Board is notified in writing of all information relating to such leave.

<i>Part XV</i>

Hazardous Conditions

The Town shall provide and maintain safe working conditions. In accordance with Occupational Safety and Health Act (OSHA) standards, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking work for which the equipment is furnished. There shall be no exceptions.

Hazardous Conditions: The Chairman of the Board of Selectmen shall take appropriate means to notify Town employees that there is no work on any day deemed hazardous by reason of weather conditions caused by snow, hurricane, tornado, or other natural phenomena, or other causes of hazardous conditions such as power failures, fires, floods, explosions or similar disasters.

Employees performing essential services, such as uniformed members of the Police and Fire Departments, will be excused from duty only at the discretion of their representative department heads. Town employees who are notified that there is no work because of hazardous conditions will be compensated as though work was actually performed on that day.

Part XVI

POLICY #1

ADOPTED BY THE BOARD OF SELECTMEN FEBRUARY 2, 2009

ROCHESTER SEXUAL HARASSMENT POLICY**I. Introduction**

It is the goal of the Town of Rochester to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated; and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because Rochester takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment; and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this:

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

- a) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;
- b) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

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

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

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

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conduct and its pervasiveness:

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

All employees should take special note that, as stated above retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town of Rochester.

III. Complaints of Sexual Harassment

Every employee of the Town of Rochester has the right to work in an environment free from sexual harassment. The Town has designated a Sexual Harassment Officer who will promptly and thoroughly investigate all complaints. The following Sexual Harassment Complaint Procedure has been developed specifically to ensure an orderly and fair investigation process, which protects the civil rights of all parties involved.

a) An employee who feels he/she has been sexually harassed should report a sexual harassment complaint to his/her supervisor as soon as possible. If the issue is not resolved to the satisfaction of the employee, or if the employee for any reason does not feel comfortable reporting said complaint to his/her supervisor, she/he should report the complaint to the Sexual Harassment Officer. The employee will have a private meeting with the Officer, at which time the Officer will document the complaint. The Officer's account of the incident(s) is meant as supporting documentation - the individual should prepare his/her own written account of the occurrence. Both accounts should include: a description of the incident(s), the name of the alleged harasser, times, locations, specific words/actions, and any witnesses to the occurrence(s). Both accounts will be considered part of the investigation.

b) The Sexual Harassment Officer will meet privately with the alleged harasser and inform him/her of the complaint. The alleged harasser should respond to the allegations, and the Officer shall follow the procedures set forth in paragraphs (4) and (5) below. If the alleged harasser denies the charges, the Sexual Harassment Officer shall continue the investigation.

c) All investigations will be as thorough as necessary. All witnesses will be contacted as required during the course of the investigation. If the Sexual Harassment Officer determines that additional witnesses need to be contacted, such witnesses will be contacted after discussion with the complainant. Witnesses should be interviewed privately and individually, and neither the alleged harasser nor the complainant should be present. The statements of each witness should be documented.

d) Upon completion of the investigation, the Sexual Harassment Officer shall draft a report outlining her/his findings and suggesting a resolution. If sexual harassment is found to have occurred, the Sexual Harassment Officer will meet with the Board of Selectmen to

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recommend appropriate disciplinary action. Appropriate disciplinary action to confirmed charges includes: an oral warning or reprimand, a written warning or reprimand to be placed in a personnel file, sensitivity training, suspension, demotion, termination, or some combination of the above. The investigation report and all documentation shall be kept in the Sexual Harassment Officer's confidential files.

e) The Sexual Harassment Officer will write a summary of the investigation and disciplinary action decided upon by the appointing authority. Both the complainant and the harasser shall receive the summary. If a complaint is unsubstantiated, the summary shall be kept only in the Sexual Harassment Officer's confidential file.

IV. RESPONSIBILITIES OF THE SEXUAL HARASSMENT OFFICER

a) The Sexual Harassment Officer should make all efforts to publicize his/her availability and to maintain an accessible office.

b) The Sexual Harassment Officer shall handle each situation with discretion, sensitivity and due concern for the dignity of all parties involved.

c) In all instances involving alleged sexual harassment the Sexual Harassment Officer is a neutral fact-finder. The Officer should take care to set aside personal feelings toward the individuals and issues involved.

d) When an individual consults with the Officer, the Officer should provide the individual with a copy of the agency's Sexual Harassment Policy. The Officer should explain applicable appeal procedures in detail.

e) The Sexual Harassment Officer should inform each complainant that the Officer will conduct an investigation of the complaint on behalf of the Town, but that the complainant also has the right to file a complaint with other forums which handle sexual harassment complaints. The following agencies handle sexual harassment complaints:

Massachusetts Commission Against Discrimination (MCAD): MCAD is authorized by law to investigate complaints and to order appropriate remedies.

Equal Employment Opportunity Commission (EEOC): EEOC is authorized by law to investigate complaints and order appropriate remedies.

State Office of Affirmative Action (SOAA): SOAA is authorized by executive order to investigate grievances of state employees.

An individual may also file a complaint through the grievance procedure, if covered, in her/his collective bargaining agreement.

The Officer may explain the differences between the forums. The Officer should inform the complainant of the need to check on filing deadlines, as each agency has a specific time limit within which to file a complaint from the date of the alleged incident.

f) The Sexual Harassment Officer shall make available to all employees informational materials on sexual harassment policy. The Officer should also have information from the

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agencies that handle sexual harassment complaints. The Sexual Harassment Officer should have such materials available for those persons filing an allegation as well as materials, which can be used for general educational purposes for Town employees.

- g) All investigations must be conducted as expeditiously as possible.
- h) The Sexual Harassment Officer should keep an investigation as private as possible and should not discuss the complaint or the investigation with non-authorized persons. Authorized persons shall include only the Officer's supervisor and appointing authority, unless such individuals are parties to the complaints.
- i) When conducting an investigation, the Sexual Harassment Officer shall maintain complete and accurate documentation of all conversations and correspondence regarding the complaint. The investigation file shall be kept in a safe, confidential location separate from regular personnel files.
- j) When discussing the incident with the complainant, be sure to include the following questions:
 1. What happened? When did it happen?
 2. Who is the alleged harasser? How long have you known this individual?
 3. Where did the incident occur?
 4. Did anyone see or hear the incident? Has something happened before?
 5. What did you do? What did you say?
 6. Did you talk with anyone about this incident?
 7. Did you document this incident? If not, the Officer shall request that the complainant write down exactly what happened, where, when, with whom, etc. and submit it to the Officer as soon as possible, preferably within a day or two.
 8. What remedy do you suggest?
- k) When discussing the alleged complaint with the alleged harasser, be sure to include the following. Ask the alleged harasser to describe the incident:
 1. Where did the incident occur?
 2. When did the incident occur? (time/day)
 3. What did you do?
 4. What did you say?
 5. What did (complainant) do?
 6. What did (complainant) say?
 7. Did anyone see or hear the incident?
 8. Has something happened before with (complainant)?
 9. Have you spoken with anyone at work about this incident?
 10. Did you document the incident? If not, the Officer shall request the alleged harasser write down exactly what happened, where, when, with whom, etc. and submit it to the officer as soon as possible, preferably within a day or two.
- l) The Sexual Harassment Officer shall make a determination following and investigation of the complaint. Possible findings include: a substantiated complaint, an unsubstantiated complaint, or a knowingly false claim.
- m) Upon completion of an investigation, the Sexual Harassment Officer shall draft a report

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outlining: the alleged incident(s) of harassment; the response of the alleged harasser to the complaint; the details of the investigation including who was interviewed, what each interviewee said and how each reacted; supporting documentation; and the Sexual Harassment Officer's findings and recommended resolution.

n) If the Officer finds that sexual harassment occurred, the Officer shall meet with the appointing authority to recommend appropriate disciplinary action.

o) The Officer shall send to the parties to the complaint a letter summarizing the investigation and the outcome, as well as any disciplinary action that will be taken. The Officer's investigation report outlining the results of the investigation, the disciplinary action taken, and any supporting documentation shall remain in the sexual harassment Officer's confidential files.

V. STATE AND FEDERAL REMEDIES

In addition to the above policy and procedure, if you believe you have been subjected to sexual harassment you may file a formal complaint with either or both of the following government agencies:

The United States Equal Employment Opportunity Commission
1 Congress Street. 10th Floor, Room 1001
Boston, MA 02114
(617) 565-3200
The Massachusetts Commission Against Discrimination

Boston Office:
One Ashburton Place Room 601
Boston. MA 02108
(617) 727-3990

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

Part XVII

POLICY #2

ADOPTED BY THE BOARD OF SELECTMEN JANUARY 8, 2018

SOCIAL MEDIA POLICY**I. INTRODUCTION**

The Town of Rochester permits departments to utilize social media sites and social networking sites (collectively "social media sites") to further enhance communications with its residents and various stakeholders in support of Town goals and objectives. Town officials and Town departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct official Town business. Social media sites facilitate further discussion of Town government business, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

This policy sets forth general guidelines that must be adhered to with respect to utilization of social media sites for official Town purposes. Questions regarding this Policy should be directed to the Town Administrator. These guidelines may be supplemented by more specific administrative procedures and rules as may be issued. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies and procedures of the Town of Rochester.

II. DEFINITIONS

1. "Social media sites" and "social networking sites" refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes tools such as: blogs, wikis, microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; and bookmarking sites such as Del.icio.us.
2. A "social media identity" is a specific user identity or account that has been registered on a third party social media site.
3. A "blog" (an abridgement of the term web log) is a Town of Rochester website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
4. A "moderator" is an authorized Town of Rochester official (appointed or elected) or employee, who reviews, authorizes and allows content submitted by the Town officials, employees and public commentators to be posted to a Town of Rochester social media site or sites.

III. POLICY

1. All Town social media sites shall be:
 - a) approved by Board of Selectmen; and
 - b) published using social media platform and tools approved by the Town Information Technology consultants.
2. The official posting for the Town will be done by the Town Administrator or their designee.
3. Departments have the option of allowing employees to participate in existing social media sites as part of their job duties, or allowing employees to create social media sites as part of their job duties. Department Heads may allow or disallow employee participation in any social media activities in their departments.
4. All Town social media sites shall adhere to applicable state, federal and local laws, regulations and policies including the Public Records Law, Public Records retention schedules, Open Meeting Law, Copyright Law and other applicable Town policies.

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5. Public Records Law and e-discovery laws and policies apply to social media content. Accordingly, such content must be able to be managed, stored and retrieved to comply with these laws. Furthermore, once such content is posted on a social media site, it should stay posted, unless it is removed for one of the reasons set forth below in paragraph Numbers 10 or 11, or it is changed to fix spelling or grammar errors.

6. All social media sites and entries shall clearly indicate that any content posted or submitted is subject to public disclosure.

7. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Rochester Internet site for forms, documents and other information.

8. Each Town social media site shall indicate to users that the site is subject to a third party's website Terms of Service. Furthermore, each Town social media site shall indicate that: the social media site provider could collect personal information through user's use of the social media site; and that this personal information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the Town.

9. All social media sites shall clearly indicate they are maintained by the Town of Rochester and shall have the Town contact information prominently displayed.

10. The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

11. Town social media content and comments containing any of the following forms of content shall not be allowed for posting:

- a) Comments or content not topically related to the particular site or blog article being commented upon;
- b) Profane, obscene, or vulgar language or content;
- c) Comments or content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or active military status;
- d) Comments or content that is threatening or harassing;
- e) Sexual comments, content, or links to sexual content;
- f) Conduct or encouragement of illegal activity;
- g) Information that may tend to compromise the safety or security of the public or public systems;
- h) Content that violates a legal ownership interest of any other party;
- i) Protected health information;
- j) Personnel private information; or
- k) Other information that is not public record or is otherwise privileged from public disclosure.

disclosure.

12. All Town social media moderators shall be trained regarding the terms of this policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.

13. Where appropriate, Town IT security and/or computer use policies shall apply to all social media sites and articles.

14. Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with all

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applicable rules, regulations, and policies (including personnel policies) of the Town. See Section IV, Employee Guidelines for Use of Social Media Sites.

15. No Town or department social media site can endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders.

16. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

IV. EMPLOYEE GUIDELINES FOR USE OF SOCIAL MEDIA SITES

1. Electronic Communications and Computer Usage Policy. All employees are responsible for understanding and following any Electronic Communications and Computer Usage Policy, in addition to this Policy.

2. First Amendment Protected Speech. Although the Town can moderate the Town social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, harassing, or off topic, employees cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e. subject matter restrictions). Users have First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those excluded for specific legitimate reasons, as referenced above.

3. Copyright Law. Employees must abide by laws governing copyright and fair use of copyrighted material owned by others. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote an excerpt of someone else's work without acknowledging the source, and, if possible, provide a link to the original.

4. Conflict of Interest. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its employees, as defined by G.L. c. 268A.

5. Protect Confidential Information. Never post legally protected personal information that you have obtained from the Town (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Ask permission to publish or report on conversations that occur within the Town. Never post information about policies or plans that have not been finalized by the Town, unless you have received explicit permission from your supervisor to post draft policies or plans on the department's social media sites for public comment.

6. Consider Your Content. As informal as social media sites are meant to be, if they are on a government domain or a government identity, they are official government communications. Social media sites will be sought out by mainstream media – so a great deal of thought needs to go into how you will use the social media in a way that benefits both the Town and the public. Employees should not comment about rumors, political disputes, or personnel issues, for example.

7. Handling Negative Comments. Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, you should expect that some of the feedback you receive will be negative. Some effective ways to respond to negative comments include:

- a) Providing accurate information in the spirit of being helpful;
- b) Respectfully disagreeing; and
- c) Acknowledging that it is possible to hold different points of view.

8. Respect Your Audience and Your Coworkers. Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in your department's workplace. Do not be afraid to be yourself, but do so respectfully. This includes not only the

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obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory—such as party politics and religion. Do not use your department's social media presence to communicate among fellow Town employees. Do not air your differences with your fellow Town employees on your department's social media's sites.

9. Use the Social Media Site or Identity Only to Contribute to your Department's Mission. When you contribute to your department's social media site or identity, provide worthwhile information and perspective that contribute to your department's mission of serving the public. What you publish will reflect on the Town. Social media sites and identities should be used in a way that contributes to the Town's mission by:

- a) Helping you and your co-workers perform their jobs better;
- b) Informing citizens about government services and how to access them;
- c) Making the operations of your department transparent and accessible to the public;
- d) Creating a forum for the receipt of candid comments from residents about how government can be improved; and
- e) Encouraging civic engagement.

10. Mistakes. The Town policy is that once something is posted, it should stay posted. Only spelling errors or grammar fixes should be made without making the change evident to users. If you choose to modify an earlier post, make it clear that you have done so—do not remove or delete the incorrect content; provide the correct information and apologize for the error. Ways to accomplish this include:

- a) Strike through the error and correct; or
- b) Create a new post with the correct information, and link to it from the post you need to correct or clarify.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users.

11. Media Inquiries. Town or department social media identities or sites may lead to increased inquiries from the media. If you are contacted directly by a reporter, you should refer media questions to the Town Administrator.

12. Personal Comments. Make it clear when you are speaking for yourself as a resident or stakeholder, and not on behalf of the Town of Rochester. If you publish content on any website of the Town and it has something to do with the work you do or subjects associated with the Town, use a disclaimer such as this: "The postings on this site are my own and don't necessarily represent the Town's positions or opinions."

13. Employee or Official Profile. If you identify yourself as a Town employee or official, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, residents and other stakeholders.

14. Defamation. Be aware that employees acting in their individual capacity (not on behalf of the Town) are not immune from defamation claims. Under Massachusetts law, defamation is established by showing that the defendant published a false, non-privileged statement about the plaintiff to a third party that either caused the plaintiff economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Avoid statements that may be interpreted as defamatory.

15. Records Retention. Social media sites will contain communications sent to or received by Town officials and employees, and are therefore Public Records. Ensure that the Town or department retains a copy of the social media content in accordance with Public Records Retention Schedules. Review the third party social media service provider's terms of service for

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its record retention practices. Note that while third party social media providers will most likely save your content for some period of time, they generally will not save it indefinitely. To the extent their policies are inconsistent with Public Records Retention Schedules, the Town or department should retain copies of social media posts such as by printing or otherwise storing periodic “snapshots” of the social media sites.

16. Open Meeting Law. Be aware of the Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site cumulatively may convey the position of a quorum of a governmental body regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

SOCIAL MEDIA POLICY

This acknowledges that I have received and reviewed the Social Media Policy, with attachments, of the Town of Rochester ("Policy"). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding use of Social Media are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: _____

Signature: _____

Date: _____

To be included in employee's personnel file.