



MINUTES
FALL ANNUAL TOWN MEETING
TUESDAY, NOVEMBER 17, 2009 – 7:00 P.M.
HIGH SCHOOL AUDITORIUM
62 CAPRON STREET, UXBRIDGE, MASSACHUSETTS

Pursuant to the foregoing Warrant, the inhabitants of the Town of Uxbridge, qualified to vote in the Town elections and in Town affairs, met at the High School Gymnasium, in Precinct 2, in said Uxbridge, and transacted the following business on November 17, 2009:

Moderator Harold Klei called the Annual Fall Town Meeting to order at 7:00pm declaring the presence of a quorum (50 required, 92 voters present). Rules for conducting business and taking votes of the meeting were announced.

* * *

The amount of General Fund Retained Earnings (Free Cash), as certified by the DOR Director of Accounts on October 29, 2009 is \$1,764,541. Certified Retained Earnings for the Enterprise Funds are as follows: Sewer Enterprise Fund - \$682,408; Water Enterprise Fund - \$1,117,388; and Ambulance Enterprise Fund - \$275,675.

The term General Fund Retained Earnings is a more descriptive wording of what is commonly referred to as "Free Cash". The Finance Committee believes that Free Cash is a misnomer, as these funds represent monies remaining after all general fund activities for the fiscal year, plus any unanticipated receipts, and less any revenue deficits or fund liabilities that are recorded.

ARTICLE 1: REPORTS

To hear the report of any outstanding committee and act thereon.

SPONSOR: Board of Selectmen (Town Manager)

RECOMMENDATION OF THE BOARD OF SELECTMEN: No Recommendation

RECOMMENDATION OF THE FINANCE COMMITTEE: The School Building Committee and the Finance Committee should report to the Town

VOTE NEEDED: N/A

ARTICLE 2: TRANSFER OF GENERAL FUND RETAINED EARNINGS TO WATER ENTERPRISE FUND

To see if the Town will vote to transfer and appropriate a sum or sums, including General Fund Retained Earnings to the Water Enterprise Account, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *This article serves to transfer a portion of FY 2009 General Fund Retained Earnings, in the amount of \$292,279, that is related to the settlement of a class action products liability lawsuit that was brought against manufacturers and distributors of gasoline containing MTBE for ground water contamination to the Water Enterprise Fund. Monetary settlements are considered to be general fund receipts per M.G.L., even if they are related to specific activities that are not funded by general government operations. The settlement represents a potential diminution in the value of a tangible asset; the Town's water resources. The Board of Selectmen believes that these funds should be placed in the Water Enterprise Fund as an offset to that diminution.*

MOTION: *Move that the Town vote to transfer and appropriate the sum of \$292,279 from General Fund Retained Earnings to the Water Enterprise Fund.*

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (3-2-1); These funds represent a court judgment and award for potential damage to an asset of the Town. The water supply might be contaminated in the future by a chemical that was added to gasoline by federal regulation and then removed due to the finding that it is hazardous to the health of people.

VOTE NEEDED: Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote.

The motion is seconded

Moderator declares a simple majority, motion carries

ARTICLE 3: TRANSFER OF GENERAL FUND RETAINED EARNINGS TO THE CABLE ACCESS ACCOUNT

To see if the Town will vote to transfer and appropriate a sum or sums, including so called General Fund Retained Earnings to the Cable Access Account, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *This article serves to transfer the portion of FY 2009 General Fund Retained Earnings that is related to the \$389,297 in the Cable Access Account that was closed to General Fund Retained Earnings at the end of the fiscal year. The Town receives an annual license fee payment, which according to section 6.3a of the contract with the provider, Charter Communications, is equivalent to 4.25% of gross annual revenue from its Uxbridge operations. Charter incurs no expense in paying this fee; it is collected directly from Uxbridge cable subscribers. The Town deposits these funds into a Cable PEG Access fund, from which the cable access budget is appropriated at Town Meeting. Previously, the balance in the fund after expenses was carried forward annually, and not closed out to General Fund Retained Earnings, despite the fact that there is no enabling statute that allows this for this practice. Closing the balance in this fund to General Fund retained Earnings at the end of the fiscal year allows the Town to adhere to M.G.L. Re-appropriating the amount of funds closed out back to the Cable Access Account to allow the funds to be expended for cable access purpose allows the Town to adhere to the current contract with Charter. This will be an annual transfer until the Department of Revenue addresses this issue.*

MOTION: *Move that the Town vote to transfer and appropriate the sum of \$389,297 from General Fund Retained Earnings to the Community Access Receipts Reserved (2030-645-3580-0000-0000-0-0000-0-0).*

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (4-1-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0)

VOTE NEEDED: Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote.

The motion is seconded

Moderator declares majority, motion carries

ARTICLE 4: TRANSFER TO STABILIZATION

To see if the Town will vote to transfer and appropriate a sum or sums, including General Fund Retained Earnings to the Stabilization Fund Account, or take any action relative thereto.

SPONSOR: Board of Selectmen

COMMENTARY: *This article serves to transfer the balance of FY 2009 General Fund Retained Earnings (Less the sums listed in Articles 2 & 3) to the Stabilization Fund. Stabilization Fund monies may be appropriated for any lawful purpose via 2/3rd's vote at any town meeting, including this one. A chart is*

included in the back of this booklet, which sums all of the financial transactions to be voted in this meeting, and their overall affect on the balance of the Stabilization Fund. If all articles are approved without amendment, the Stabilization Fund balance at the end of Town Meeting will be \$1,415,585.89.

MOTION: *Move that the Town vote to transfer and appropriate the sum of \$1,082,965 from General Fund Retained Earnings to the Stabilization Fund 2500.*

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (4-1-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0)

VOTE NEEDED: Requires a 2/3rds vote to transfer to Stabilization per M.G.L. c.40 § 5B.

The motion is seconded

Motion carried in the affirmative by a unanimous vote.

ARTICLE 5: PRIOR YEAR BILLS

To see if the Town will vote to raise and appropriate, or transfer from available funds such sums as required to pay prior fiscal year's bill(s), or take any other action related thereto.

SPONSOR: Board of Selectmen (Town Manager)

MOTION: *Move that the Town vote to transfer and appropriate amounts as stated in the following chart, which represent amounts unpaid on FY 2009 bills, for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY10:*

COMMENTARY: *The Town requires that all bills outstanding at the close of the fiscal year be submitted to Accounting by July 15th. If the bill is not available, funds are encumbered for payment at a later date. These invoices, for varying reasons, were not brought forward until after all remaining FY 2009 departmental funds were turned back as part of the General Fund Retained Earnings certification process.*

Payee/Department	Amount Due	Department	Account Number	Further Commentary
Alpine Industrial Inc.	\$70.97	Town Hall	0100-192-5451-0000-0000-000-2-0000-0-0	Invoice billed to the School Department
National Grid	\$12.18	Pout Pond	0100-631-5210-0000-0000-0000-2-0000-0-0	Electric bill 06/29/09
Telegram & Gazette	\$26.22	Board of Health	0100-512-5307-0000-0000-0000-2-0000-0-0	Legal Ad 06/05/09
Worcester County Constable LLC	\$35.00	Board of Health	0100-512-5314-0000-0000-0000-2-0000-0-0	Service 06/20/09
Worcester County Constable LLC	\$47.82	Board of Health	0100-512-5314-0000-0000-0000-2-0000-0-0	Service 06/20/09
Hasler, Inc.	\$59.85	Library	0100-610-5434-0000-0000-0000-2-0000-0-0	Equipment Rental 06/30/09
National Grid	\$215.29	Library	0100-610-5210-0000-0000-0000-2-0000-0-0	Electric bill 06/29/09
			0100-610-5240-	

Blackstone Valley Lock & Safe	\$58.00	Library	0000-0000-0000-2-0000-0-0	Lock repair 01/04/09
David Turner	\$225.00	Library	0100-610-5242-0000-0000-0000-2-0000-0-0	Mowing Cost 06/30/09
Belmont Springs	\$2.29	Library	0100-610-5314-0000-0000-0000-2-0000-0-0	Water Del 06/22/09
Youngsma, Betsy	\$41.16	Library	0100-610-5445-0000-0000-0000-2-0000-0-0	Reimbursement–Book Purchases 06/06/09
Recorded Books	\$55.57	Library	0100-610-5445-0000-0000-0000-2-0000-0-0	Book Purchases 06/26/09
Baker & Taylor	\$234.79	Library	0100-610-5446-0000-0000-0000-2-0000-0-0	Book Purchases 06/28/09
Baker & Taylor	\$13.35	Library	0100-610-5445-0000-0000-0000-2-0000-0-0	Book Purchase 06/28/09
Baker & Taylor	\$110.62	Library	0100-610-5445-0000-0000-0000-2-0000-0-0	Book Purchases 06/28/09
Service Time	\$38.00	Library	0100-610-5292-0000-0000-0000-2-0000-0-0	Trash removal 06/01/09
Uxbridge Police Department	\$750.00	Elections	0100-162-5309-0000-0000-0000-2-0000-0-0	Elections Detail 05/26/09
Signet	\$219.00	Police	0100-162-5309-0000-0000-0000-2-0000-0-0	Lightning Storm Service 05/22/09
Total	\$2,215.11			

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0)

VOTE NEEDED: Requires a 4/5ths majority vote

The motion is seconded

Motion carried in the affirmative by a unanimous vote.

ARTICLE 6: FY10 BUDGET AMENDMENTS

To see if the Town will vote to transfer from available funds, including general fund retained earnings, stabilization and enterprise retained earnings, and appropriate, or to raise and appropriate, or to approve budget reductions, in order to balance the FY 2010 Town Budget approved under Articles 5, 7, 8, 9 and 10 of the May 12, 2009 Annual Town Meeting, or take any other action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *The purpose of the article is to make adjustments to balance the FY 2010 budget as voted at the Spring Annual Town Meeting; including new appropriations and/or budget reductions. Please see the spreadsheets at the back of this booklet for comparisons between the budget voted at the*

Spring Annual Town Meeting and the budget that will be in place if the appropriation changes listed below are enacted. If approved, the FY 2010 budget will be \$33,469,787, a reduction of \$1,110,067, or 3.21% from the FY 2009 budget of \$34,579,854.

MOTION: *Move that the Town vote to reduce, raise, transfer and appropriate the amounts as stated in the following chart for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY10:*

Budget Line	Amount	Further Commentary
Finance Committee Expense (0100-132-5782-0000-0000-0000-2-0000-0-0)	-5,000.00	Reduction to the Reserve Fund
Assessor Salaries (0100-141-5110-0000-0000-0000-1-0017-1-0)	-14,773.00	Reduction in salaries due to personnel changes
Treasurer/Collector Salaries (0100-145-5110-0000-0000-0000-1-0013-0-0)	-33,435.00	Elimination of one full time administrative position
MIS Expenses (0100-155-5252-0000-0000-0000-2-0000-0-0)	-3,569.00	Reduction in acquisition account
Town Clerk Salaries (0100-161-5110-0000-0000-0000-1-0023-1-0)	-5,338.00	Reduction in salaries due to personnel changes
Election Salaries (0100-162-5121-0000-0000-0000-1-0000-0-0)	7,317.00	Partial increase due to addition of 2 statewide elections
Police Salaries (0100-210-5130-0000-0000-0000-1-0000-0-0)	-7,000.00	Reduction in police overtime budget
Fire Expenses (0100-220-5243-0000-0000-0000-2-0000-0-0)	-6,000.00	Reduction in equipment maintenance budget
Uxbridge Public Schools (0100-300-5001-0000-0000-0000-1-0000-0-0)	-499,399.00	Reduction dictated by \$192,928 in Chapter 70 distribution and \$306,471 in revenue share agreement distribution
DPW Administration Salaries (0100-421-5110-0000-0000-0000-1-0000-0-0)	-4,061.00	Reduction in salaries due to personnel changes
Highway Department Salaries (0100-422-5110-0000-0000-0000-1-0000-0-0)	-36,903.00	Elimination of Highway Superintendent position
Library Expenses (0100-610-5240-0000-0000-0000-2-0000-0-0)	-23,006.00	Reduction in budget will force the Library to apply for a waiver from the Board of Library Commissioners
Total Municipal Budget Reductions	-131,768.00	
Total Educational Budget Reductions	-\$499,399.00	
Total FY 2010 Budget Reductions	-631,167.00	

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0); *This is a major concern as the operating budget for Uxbridge adopted at the Spring Annual Town Meeting has been reduced by \$131,768 for the municipal side of government and \$499,399 for the school side of government. This results in a budget of \$33,469,787. The municipal side has been cut to the bone and has greatly reduced expenses. On the school side, if dollars could be added it would be for teachers and not expenses. This reduction was caused by the shortfall in revenue by the State and the Governor had no choice but to cut State aid to balance the budget. The Governor's most recent cut of the State budget affected spending at the State level. There is concern that we are approaching minimum spending as required by law for education of our students in Uxbridge. Shortly after Town Meeting, the*

Finance Committee with the help of the School Committee and the Board of Selectmen will investigate the potential problem and try to come to resolution.

VOTE NEEDED: Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds majority vote.

The motion is seconded

Motion carried in the affirmative by a unanimous vote.

ARTICLE 7: FY09 INTER/INTRA DEPARTMENTAL TRANSFERS

To see if the Town will vote to transfer and appropriate from available funds, including funds previously appropriated to other uses or General Fund Retained Earnings and enterprise fund retained earnings, or to raise a sum or sums of money to appropriate to accounts and for purposes to be specified at the Fall Town Meeting, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

GENERAL COMMENTARY: *The purpose of this article is to transfer funds within department budgets or from one department to another. Per MGL, transfers between individual municipal budgets require Town Meeting action.*

MOTION: *Move that the Town vote to transfer and appropriate the amounts as stated in the following charts for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY10:*

1.	FROM:	Amount	TO:	Amount
	Police Salaries (0100-210-5130-0000-0000-0000-1-0000-0-0)	\$9,187.00	Regional Retirement Contributions Expense (0100-911-5173-0000-0000-0000-2-0000-0-0)	\$9,187.00

ADDITIONAL COMMENTARY: *This appropriation is necessary to reflect the military service fund appropriation for a member of the Police Department who was deployed to Iraq through the end of FY 2008.*

2.	FROM:	Amount	TO:	Amount
	Board of Health Contractual Services (0100-512-5314-0000-0000-0000-2-0000-0-0)	\$20,000.00	Board of Health Salaries and Wages (0100-512-5195-0000-0000-0000-1-0085-4-0)	\$20,000.00

ADDITIONAL COMMENTARY: *Transfer between expense and salaries to reflect a change in methodology in budgeting for the Health Inspector, as requested by the Board of Health. Previously, this position was treated as contractual; but the decision was made after the FY 2010 budget was accepted that the position should be an hourly non-benefit eligible position. The Town may not pay a salary from an expense account; hence the request for this transfer.*

3.	FROM:	Amount	TO:	Amount
			Ambulance Enterprise Fund Salaries and Wages (6520-231-5110-0000-0000-0000-1-0000-0-0)	\$7,000.00
	Ambulance Enterprise Retained Earnings	\$14,000.00	Ambulance Enterprise Fund ALS Training (6520-231-5900-0000-0000-0000-1-0000-0-0)	\$7,000.00
				\$14,000.00

(6520-231-3590-0000-0000-0000-0-0000-0-0)		0000-2-0000-0-0)	
Total		Total	

ADDITIONAL COMMENTARY: *Transfer required to fund an ongoing injured on duty claim, as well as for re-assignment of personnel to reduce overtime cost through an agreement with the Fire Union.*

4.	FROM:	Amount	TO:	Amount
	Stabilization Fund	\$80,000	Unemployment Compensation (0100-913-5172-0000-0000-0000-2-0000-0-0)	\$80,000

ADDITIONAL COMMENTARY: *The Town appropriates \$15,000 annually to augment an unemployment fund that was established via transfer several years ago. However, since FY 2007, the fund has been eroded by claims that far exceeded the annual transfer. Claims data follows:*

FY 2007 - \$28,695.12;

FY 2008 - \$43,377.11;

FY 2009 - \$63,796.60;

FY 2010 (Through September) - \$51,009.83.

Projected claims for FY 2010, based on the current list of former employees is \$86,298.22. This transfer, which can be compared to a restructuring charge that a public corporation would take when downsizing its workforce should leave \$55,191.07 in the fund at the end of the fiscal year.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (7-0-0) A 2/3rd's vote will be required for item 4, described as a restructuring charge that we hope will be a one time charge.

VOTE NEEDED: Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote.

The motion is seconded

Motion carried in the affirmative by a unanimous vote.

ARTICLE 8: FUNDING REQUEST TO PURCHASE OF A NEW AMBULANCE

To see if the Town will vote to raise and appropriate or transfer from available funds, including Ambulance Enterprise Retained Earnings, a sum of monies to appropriate for the purpose of purchasing a new replacement town ambulance or equipment related thereto or take any action relative thereto.

SPONSOR: Fire Chief

COMMENTARY: *Passage of this article will fund the purchase of a new Certified Type 3 Ford E-450 Super Duty Cutaway Chassis 2010 Ambulance, replacing Rescue #1. This is a planned replacement in compliance with the department's capital plan; full funding is available in the Fund's retained earnings. The Ambulance Enterprise Fund is entirely supported by user fees and charges.*

MOTION: *Move that the Town transfer and appropriate the sum of \$140,000 from Ambulance Enterprise Retained Earnings (6522-231-3590-0000-0000-0000-0-0000-0-0) to the Ambulance Capital Expense Account (6520-231-5800-0000-0000-0000-8-0000-0-0) for the purpose of replacing the Department's 2004 Ford Ambulance.*

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0)

VOTE NEEDED: Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote.

The motion is seconded
Motion carried in the affirmative by a unanimous vote.

ARTICLE 9: DISPOSITION OF THE BLANCHARD BUILDING

To see if the Town will vote to authorize the Board of Selectmen to sell the property, known as the "Virginia Blanchard Building", located on 65 Hartford Road East, acquired by the Town from the Uxbridge Cotton Mills, James Whiten, Treasurer, by deeds recorded with the Worcester District Registry of Deeds on January 23, 1873, in Book 892, Page 107, and on April 20, 1900, in Book 1644, Page 415 and shown on Assessor's Map 12A, Block 2171, and containing .76 acres of land, more or less, with building thereon, and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary to sell such property and any access easements in and to the property; the proceeds of such sale to be used for educational purposes only, or take any action in relation thereto.

SPONSOR: Board of Selectmen

COMMENTARY: *This article seeks authorization to allow the Board of Selectmen to explore all options for the disposition of the Blanchard property. The Selectmen's ability to sell the subject property is contingent upon authorization by the Probate and Family Court in the pending cy-pres action. The Town is still awaiting the Attorney General's assent to the Town's petition.*

MOTION: *Move that the article be voted as written*

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (4-1-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (5-0-1) This gives the Board of Selectmen permission to dispose of the Blanchard property after a legal judgment is cleared.

VOTE NEEDED: Requires a 2/3rd's vote (M.G.L. c. 40 §15 and 15A).

The motion is seconded
Moderator declares 2/3rds majority, motion carries
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ARTICLE 10: PERSONNEL BYLAW:

To see if the Town will vote to adopt a new personnel policy bylaw as printed below and taking any action in relation thereto.

AUTHORIZATION AND APPLICATION

1.1 AUTHORIZATION. Pursuant to the authority contained in Section 108, 108A, and 108C of Chapter 41 of the General Laws, there shall be established, consistent with the Town Charter and applicable State and Federal Laws, including Civil Service Laws, Bylaws which may be amended from time to time by a vote of the Town at an Annual or Special Town Meeting applying to all employees. For positions covered by collective bargaining agreements or any other special agreements, the provisions of the Bylaw apply except where such agreements contain conditions contrary to the provisions of the Bylaw. In such instances the provisions of the collective bargaining agreements or other agreements shall prevail. In any instance where the provisions of this Bylaw are in conflict with any State or Federal law or regulation the State or Federal law or regulation shall prevail.

TERMINOLOGY

2.1 Definitions – In the Bylaw, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings.

- 2.1.1 Continuous Employment** – Continuous employment shall mean uninterrupted service to the Town. Vacation periods, sick leave, and other leave granted in accordance with this Bylaw or with the General Laws are not considered a break in service.
- 2.1.2 Department** – Any division or branch of the Town's municipal service whether under the direction and control of the Town Manager or an elected board, commission, committee, or other agency.
- 2.1.3 Department Head** – The officer, board, commission, committee, or other agency having direct supervision and control of a department, or other person reporting directly to the Town Manager.
- 2.1.4 Emergency Employment** – The employment of a person or persons other than regular full-time, regular part-time, and temporary employees in the event of an unforeseen emergency as may be declared by a vote of the Board of Selectmen, by the Town Manager, by the State, or by a Federal Agency. Such employment is restricted to the duration of such an emergency.

- 2.1.5 Employee** – For the purposes of this Bylaw, an employee is any person who is compensated by hourly wages or by salary and who works in the service of the Town on a full-time, regular part-time, or temporary basis, except those positions which are filled by election and those which are under the jurisdiction of the School Committee.
- 2.1.6 Regular Full-time Employee** – An employee who works in the service of the Town for a minimum of 35 hours each week on a regular basis.
- 2.1.7 Regular Part-time Employee** – An employee who works in the service of the Town for fewer than 35 hours each week on a regular basis.
- 2.1.8 Temporary Employee** – An employee hired to work in the service of the Town for limited time period, in no event more than three months. Temporary employees may be part-time or full-time. Except as required by State or Federal Law, Temporary Employees are not eligible for employee benefits.
- 2.1.9 Casual Employee** – An employee who works regularly and continually in the service of the Town for hourly wages on an as needed basis and without a regular work schedule. Under no circumstances may a casual employee work more than 19 hours during a calendar week.

PERSONNEL RECORDS

- 3.1 CENTRALIZED RECORD KEEPING.** The Town Manager shall appoint a Human Resources Coordinator who shall be responsible for establishing and maintaining centralized personnel records as may be required by law and which are necessary for effective personnel management. All employees of departments other than the school department shall comply with and assist in furnishing such records, reports, and information as may be requested by the Coordinator.

- 3.2 CONTENTS OF RECORDS.** The Human Resources Coordinator shall maintain an individual personnel file for each employee which should include the following information:

Copies of documents that indicate all personnel actions affecting employment, including but not limited to promotions, demotions, pay or step increases, reassignments, reclassification, transfers, separations, disciplinary actions, grievances and layoffs.

Copies of any correspondence directly related to the employee's past employment record as well as any performance appraisals shall also be maintained in these files.

Copies of all accident reports involving the employee.

Copies of all educational credentials obtained since appointment.

The above information must be submitted to the Town Manager prior to a person's employment with the Town or prior to any classification or rate increase.

- 3.3 ACCESS TO PERSONNEL DEPARTMENT RECORDS.** All personnel records shall be considered confidential and access to records shall be limited to the Town Manager, Human Resources Coordinator and the Appointing Authority. Any employee shall, upon request to the employee's Appointing Authority, be given access to their personnel file. The employee's review of his or her personnel file shall take place in the presence of the Manager or Human Resources Coordinator.

- 3.4 RELEASE OF INFORMATION.** Unless written authorization is received from an employee, or as required by State or Federal Law, no information from his or her file shall be released to anyone other than the Town Manager, the Board of Selectmen, the appointing Authority, or the employee.

RECRUITMENT AND APPOINTMENT

- 4.1 POLICY.** The Town shall make every effort to attract and employ qualified persons. Every person regardless of age, race, creed, color, nationality, religion, sexual preference or disability applying for employment in the Town will receive equal treatment. Selection and appointment for all positions will be based solely upon job abilities, and other characteristics necessary for successful job performance. The procedures covered in this section are to be considered minimum, and should not be construed to conflict with special requirements as may be necessary and usual to a particular department insofar as such special requirements exceed these minimum procedures or may be required by the provisions of a collective bargaining agreement.

- 4.2 RECRUITMENT PROCEDURES.** When a vacancy occurs, the Department Head will review the functions, duties, responsibilities and minimum qualifications of the position to ascertain whether the job description is still accurate or whether it needs to be redefined. Any changes in the job description for the position must be reviewed and approved by the Town Manager and a copy sent to the Human Resources Coordinator.

- 4.3 ADVERTISING.** The methods of advertising will vary depending upon the nature and requirements of the position being filled. The following methods can be considered typical of those which may be used for recruitment: posting notices on public bulletin boards 48 hours prior to advertising in professional journals, websites and newspapers with local and state-wide circulation. Except in an emergency, all job vacancy notices shall be advertised not less than 14 days prior to the deadline for submitting applications. In cases of emergency, the Town Manager shall state in writing the reason that it is not in the best interest of the Town to post for 14 days.

- 4.4 SELECTION PROCEDURES.** The Appointing Authority may utilize an examination in combination with other assessment tools as part of the selection process. The assessment tools selected will relate to the duties and responsibilities of the position for which candidates are being examined, and shall fairly appraise and determine the merit, fitness, ability and qualifications of applicants to perform the duties of the position. A variety of assessment tools may be employed, included but not limited to: assessment of training and work experience; written, oral, and performance tests; and reference checks.

The Appointing Authority or its designee will review the applications of all candidates who have applied for a particular position in order to determine whether each candidate meets the minimum requirements established for the position. The Appointing Authority and/or the Town Manager will interview qualified applicants and document its recommendation for selection or non-selection, and copies of this documentation shall be filed with the Appointing Authority and the Human Resources Coordinator.

All appointments shall be made in writing by the Appointing Authority. The written notice shall include the salary, the starting date, and appropriate additional information. Copies of the notice of appointment shall be provided to the Town Manager, Town Accountant, and Treasurer.

A record of the recruiting, examining, and appointing procedures which were used will be retained by both the Appointing Authority and the Human Resources Coordinator after the vacancy is filled. This record will include: the job description; vacancy announcement; listing of the source methods of recruiting; and the applications of all those who applied.

4.5 MEDICAL EXAMINATION. Before appointment to a position, but as the last step in the hiring process, the Town shall condition the employment offer on the results of a medical examination. The examination will be conducted solely to determine whether the applicant is capable of performing the essential functions of the job if the Town makes reasonable accommodations.

Physical examinations may be required for all positions except temporary positions.

All physical examinations will be performed by a physician approved by the Board of Selectmen. The examining physician will advise the Town as to whether the applicant is physically qualified to perform the duties of the position for which application is made. In the event that the physician advises that the applicant cannot perform the duties of the position, then the Town must attempt to make reasonable accommodations, as defined by the ADA.

4.6 EMPLOYEE APPEARANCE. Employees are expected to observe sensible standards of appropriate dress. The Town discourages employees not associated with public works from wearing jeans or sweatshirts or any other inappropriate attire that is not in keeping with a professional workplace.

ORIENTATION AND PROBATION

5.1 ORIENTATION. It shall be the responsibility of the appointing authority or its designee to notify all new employees of a date, time and designated location for starting work. If the new employee is subject to the provisions of a collective bargaining agreement then the employee shall be provided with a copy of that agreement as well as with a copy of this personnel policy. The Department Head or Supervisor shall provide on-site training regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures.

5.2 PROBATION. All new employees shall be required to successfully complete a probationary period to begin immediately upon the employee's starting date and to continue for a six (6) month period, which may be extended by the number of days which the employee may be absent from work. The probationary period shall be utilized to help new and newly promoted employees achieve effective performance standards. It shall also be used by the appointing authority to observe and evaluate the employee's attitude, conduct and work habits.

At least one month prior to completion of the employee's probationary period the Department Head or Supervisor will notify the Appointing Authority and/or Town Manager in writing that:

- a) The employee's performance is satisfactory and that the individual should be retained as Regular employee in his position; or
- b) The employee's performance or conduct is unsatisfactory, and that his/her removal is proposed as of a specific date at the conclusion of the probationary period. The department head or supervisor will furnish reasons for the recommended dismissal.

The appointing authority shall have the option of extending the probationary period an additional three (3) months for those employees who, due to extenuating circumstances, require additional observation. An employee who fails to meet satisfactory standards of performance shall be notified in writing of the reasons for his/her termination. Such an employee may request a formal review of the decision by the Town Manager.

PERFORMANCE APPRAISAL

6.1 POLICY. The Town recognizes the need for an operating performance appraisal system to:

- a. assess fairly and accurately an employee's strengths, weaknesses, and potential for growth;
- b. encourage and guide the employee's development of his/her special skills and work interests;
- c. assure the granting of increases and consideration for more complex work based on merit;
- d. provide a method of improving operational programs through employee input; and
- e. identify training needs.

6.2 COVERAGE. All regular full-time and part-time employees.

a. Newly hired employees who are in a 6 month probationary period shall be evaluated at least thirty days prior to the expiration of the probationary period. The Supervisor or Department Head shall make a determination that the employee is performing in a satisfactory or non-satisfactory period; and shall file a copy of this determination with the Town Manager.

b. Regular employees who receive a less than satisfactory performance evaluation may request a review of the evaluation by the Town Manager. Employees who receive a less than satisfactory evaluation may be required to participate in performance counseling and/or a performance improvement plan as outlined in section 6.4. Such plan shall be developed by the employee's direct supervisor in consultation with the Town Manager, and may extend from one to six months. The plan period may be extended with the approval of the Town Manager. Refusal to participate in a performance plan, or failure to make adequate performance improvements may result in termination.

6.3 PROCEDURES. The Town Manager shall be responsible for the establishment and maintenance of the employee performance appraisal system. Employee evaluation is the continuing day-to-day responsibility of the Department Head. The employee's Department Head will make an annual written evaluation of each employee's performance.

b. **ANNUAL EMPLOYEE EVALUATION.** The annual evaluation is the summary of the supervisor's observations of the employee during the past year and a summary of the performance in terms of a variety of job-related factors. The evaluation will also include a plan to develop strengths, identify and improve weaknesses, and record the employee's observations of work assignments during the past year. Proper use of the performance evaluation serves as a means of identifying training needs, helping to improve individual performance, recognizing outstanding

accomplishments, helping to strengthen employee/supervisor relationships, emphasizing the employee's contribution to the Town's programs, and helping to identify the strengths and weaknesses of those programs.

c. **ANNUAL EVALUATION PROCEDURE**

1. The supervisor will make a written evaluation, and the employee shall prepare a self evaluation, of the employee's job performance considering any changes that have occurred in the job or other factors which might affect job performance, and noting strengths and capabilities worthy of special mention and areas where improvement is needed. The employee and supervisor will then meet to conduct the annual employee-supervisor discussion.

2. **Employee-Supervisor Discussion** – The employee and supervisor will begin the discussion with a review of the employee's current job description in order to analyze and clarify current requirements and assigned duties, and to note any major changes which might have taken place in the employee's job. The employee's general observations of the Department's programs and especially suggestions for improving assignments, functions, and work procedures should be particularly encouraged. The employee should have the opportunity to discuss any other points and may attach comments to the supervisor's evaluation. The employee will then certify that he/she has reviewed the evaluation and that it has been discussed with him/her.

3. The Department Head will review the written evaluation, sign it, and make comments if desired. The employee will also have the opportunity to review and comment.

4. The evaluation will then be forwarded to the Town Manager and Personnel Coordinator to become a part of the employee's personnel record. Department Heads will meet with the Town Manager to discuss the evaluation and any concerns uncovered during the review process. Employee reviews may be considered in decisions regarding promotions and pay increases.

6.4 PERFORMANCE COUNSELING. Any employee who exhibits substandard work performance will be counseled in the following manner.

a. **Initial Counseling.** For the first indication of substandard work performance the Department Head will advise the employee of his/her unsatisfactory performance and recommend specific areas for improvement and establish a specific time period during which evidence of that improvement should manifest itself.

b. **Written Documentation.** If performance continues to be substandard, the Department Head will state in writing:

- 1) The specific deficiencies observed in the employee's performance.
- 2) The necessary improvement.
- 3) The period of time in which that improvement must occur, and
- 4) What further action will result if the employee fails to show satisfactory improvement.

c. **Signatures.** The written counseling memo should be signed by both the employee and the Department Head and shall be maintained within the department. If the employee refuses to sign, the Department Head should have a witness sign a statement that a copy was given to the employee. The employee's signature indicates receipt of the document only, and not necessarily acceptance of its contents. Refusal by the employee to sign the counseling memo shall be considered prima facie evidence that the employee refuses to cooperate with the employee performance improvement plan.

d. **Responses to Continued Substandard Performance.** If an employee refuses to participate in employee performance counseling or continues to exhibit substandard work performance beyond the established time limits and below the expected level, the options available to the employee and Department Head will include:

(1) re-assignment, (2) demotion, or (3) termination.

Written documentation shall be provided to the Town Manager and Personnel Coordinator for the employee file.

PROMOTION, DEMOTION, TRANSFER, AND SEPARATION

7.1 COVERAGE. Probationary, full-time, and part-time employees.

7.2 PROMOTION POLICY. Employees are encouraged to develop new skills, expand knowledge of their work, assume greater responsibility, and make known their qualifications for promotion to more difficult and responsible positions.

- a) Vacancy announcements shall be posted in appropriate town buildings.
- b) Current employees are encouraged to apply for any vacancy for which they meet the hiring criteria.
- c) No Department Head shall deny an employee permission to apply for a vacancy.
- d) When a Town employee's qualifications are judged to be equal or higher than outside applicants, the Town employee shall be given preference.

7.3 DEMOTION. An employee may be demoted to a position of a lower grade for which he/she is qualified for any of the following reasons:

- a) When an employee would otherwise be laid off because his/her position is being abolished.
- b) When the employee voluntarily requests a lower classification.
- c) When the employee can no longer fulfill the requirements of the position, as determined by the Appointing Authority or Town Manager.

7.4 TRANSFER. A position may be filled by transferring an employee from another position of the same or similar grade having the same maximum pay rate, involving the performance of similar duties, and requiring essentially the same basic qualifications. Transfers between departments must be approved by the Town Manager.

7.5 SEPARATION.

- a) **RETIREMENT** is the separation of an employee in accordance with the provisions of the retirement system under which the employee is eligible to receive benefits.
- b) **RESIGNATION** is the separation of an employee by his/her voluntary act. An employee may resign in good standing from the Town by submitting in writing the reasons therefore and the effective date to the Appointing Authority or designee at least fourteen (14) calendar days in advance. The Appointing Authority or designee may permit a shorter period of notice because of extenuating circumstances. The resignation shall be forwarded to the Department Head with pertinent information concerning the reasons for resignation. The Department Head shall make every effort to conduct an exit interview with each employee who resigns and will verify the employee's reasons for leaving. Copies of the employee's letter of resignation will be placed in his/her Departmental and Personnel file.
- c) **LAYOFF.** In the case of layoff or reduction of personnel for lack of work or by reason of fiscal cutback, the laying off or demotion of employees within each job title shall be determined first by type of appointment in the following order: emergency, temporary, probationary, and then regular. Within the type of appointment, the order of layoff shall be determined by length of continuous service with the Town, unless provided for otherwise in a particular collective bargaining agreement. In no case shall such layoff or demotion be construed as a dismissal for unsatisfactory performance. Regular employees who are laid off shall be given first consideration for subsequent vacancies in the grade from which they were laid off, if no in-house candidate is selected, for a period of one (1) year. A layoff reemployment list will be maintained by the Personnel Coordinator for a period of one (1) year.

OVERTIME

8. POLICY. Non-exempt hourly employees (meaning employees other than department heads, managers, and professionals) who work in excess of 40 hours per week will be paid at the rate of one and one-half times the employee's hourly rate. All overtime must be approved in advance by the non-exempt employee's immediate supervisor.

Exempt salaried employees who work in excess of 40 hours per week are not eligible for additional pay. Such employees may be granted compensatory time off by the employee's immediate supervisor. Such compensatory time is discretionary and is not on an hour for hour basis. Compensatory time must be used promptly, cannot accrue, and cannot be paid at separation.

For purposes of this section exempt employees shall include, but not be limited to the following:

Town Manager	Finance Director
Town Assessor	Town Clerk
Building Commissioner	Town Accountant
Town Collector	Town Treasurer
Superintendent of Public Works	Highway Superintendent
Water Superintendent	PEG Access Manager
Police Chief	Fire Chief
Veterans Agent	Animal Control Officer

VACATION

9.1 COVERAGE. All regular full-time and part-time employees shall be entitled to a grant of vacation time on the first day of each Fiscal Year (July 1). The grant of vacation time shall be based upon the completion of continuous service on that date as follows:

Period of Service Completed	Vacation Time Earned
1 year	1 week
2-4 years	2 weeks
5-9 years	3 weeks
10-19 years	4 weeks
20 + years	5 weeks

In addition to the schedule above, all regular full-time and part-time employees shall be entitled to one week of vacation time at the completion of their probationary period.

No vested right in vacation time shall exist prior to the award date.

Upon approval of the Town Manager at hiring, "continuous service" shall include service in the same or a comparable position in another community, or related private sector employment.

As referred to in this policy, a vacation of one week duration shall mean the number of hours off with pay as an employee is normally required to work within a seven day period beginning on Sunday at 12:01 a.m. For purposes of determining eligibility, a year is defined as starting on the anniversary date of employment. All regular part-time employees are entitled to annual vacations as indicated above in an amount equal to the ratio that their part-time employment bears to full-time employment.

9.2 SCHEDULING. Vacations must be taken in the year in which they are earned and shall not accumulate from year to year unless such accumulation is specifically authorized by a collective bargaining agreement. Vacation requests should be given to Town, Manager, Department Head, or Board with as much advance notice as possible and should normally be taken in units of at least one week. Vacation requests shall be granted by the Town Manager, Department Head, or Board at such times as in their opinion they will cause the least interference with the performance of the regular work of the

Department. In the event that the approval of a particular vacation period for one employee conflicts with that of another, the Town Manager will approve the request of the employee with the most seniority.

With prior approval of the Department Head and upon mutual consent, in the event an employee may defer up to one week of vacation, which may be carried over for up to 90 days into the next year.

9.3 COMPENSATION UPON SEPARATION FROM SERVICE. A regular full-time and a regular part-time employee who leaves the service of the Town and who has vacation credits due him/her shall, upon his/her separation from Town service, be compensated for such vacation time as he/she had accrued. Whenever employment is terminated by death, the beneficiary of the deceased shall be paid an amount equal to the vacation allowance accrued during the year in which the employee died but which had not been used up to the time of his/her death. No compensation shall be paid for personal time, compensatory time or sick leave, except as provided in Section 10.2.

SICK LEAVE

10.1 POLICY. Sick leave shall be granted to an employee only when the employee is incapacitated from the performance of his/her duties by personal illness, injury or quarantine by a public health authority. Sick leave will commence on the date and time that notification of the employee's sickness or injury is given to the Town Manager or Department Head by the employee or by the employee's family or physician. Notification shall be given to the employee's supervisor, if possible, prior to the start of the work day but no later than one hour after starting time. The Town Manager or Department Head may request a physician's certificate of illness after three days absence from or after a series of repeated absences during the course of the year prior to the payment of sick pay. The Personnel Coordinator shall keep a permanent record of all sick leave granted.

10.2 except in cases where an employee is confined to home, hospital, or other medical facility due to injury or illness certified in writing by his/her physicians, if an example is absent for any three working days in a calendar month, he/she will not be credited with his/her sick leave allowance for that month.

10.3 Upon the retirement or death of an employee who is eligible for sick leave, payment shall be made to the employee or his estate in the amount of one half of the accrued sick days earned but not expended, up to a maximum of forty-five (45) days.

10.4 COVERAGE. Regular full-time employees shall earn sick leave at the rate of one and one-quarter (1 ¼) days of sick leave per month after six months of employment. Unused sick days may accumulate up to a maximum of one hundred and eighty-five (185) days unless specified differently by an individual collective bargaining agreement.

HOLIDAYS

11.1 POLICY. The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days employees, without loss of pay, shall be excused of all duty except in cases where the Board or Department Head determines the employee is required to maintain essential town services.

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veterans' Day
Patriots' Day	Thanksgiving Day
Memorial Day	The Day After Thanksgiving
Independence Day	Christmas Day

For employees working a standard 35 hour, 5 day per week schedule the foregoing twelve paid holidays will be observed regardless of when they fall. In departments where employees do not regularly work on Saturday, Saturday holidays will be observed on the Friday preceding the holiday. In departments where employees do not regularly work on Sunday, Sunday holidays will be observed on the Monday following the holiday. Employees will also be released after one half (½) day of work on the day before Thanksgiving and on Christmas Eve, provided that Christmas Eve falls on a regular scheduled work day. No additional time shall be granted when Christmas Eve falls on a Saturday or Sunday. Except as required to maintain essential town services, municipal buildings will be closed during these listed holidays.

11.2 Town Hall employees working a four day workweek will follow a holiday schedule to be published yearly by the Town Manager. Such schedule will provide paid holiday time equivalent to that provided to employees working the same number of hours weekly, but following a five day, Monday to Friday schedule. In preparing this schedule the Town Manager will follow the provisions of 11.1 as closely as possible.

11.3 Holiday pay shall be granted to the employee provided that the employee shall have worked on his/her last scheduled work day prior to such holiday and/or the next regularly scheduled working day following such holiday, or was in full pay status on such preceding and following days in accordance with other provisions of this policy, or was appropriately excused.

11.4 COVERAGE. All regular, non-union, full-time and part-time employees shall be granted holiday pay in accordance with this policy provided that such holiday falls on an employee's regularly scheduled work day or falls on a weekend day and is celebrated in such a way as to make that employee eligible. Employees that are members of union bargaining units shall be granted holiday pay in accordance with their respective collective bargaining agreement. Temporary employees shall not be eligible for holiday pay.

GROUP INSURANCE BENEFITS

12.1 GROUP HEALTH INSURANCE

POLICY. Group health insurance benefits are provided to all eligible Town employees and their eligible dependents through a policy held by the Town of Uxbridge.

Eligible employees: permanent full time employees and permanent part time employees who work a minimum of twenty hours each week.

Eligible dependents: Legal spouse, dependent unmarried children, up to age 19, (age as designated by the insurance carrier if the child is a full time student at an accredited college or university.)

COVERAGE. All regular employees who work a minimum of twenty (20) hours per week and who choose to enroll in the Town's health insurance program are required to pay a percentage of the premium. The Town currently contributes 75% of the premium and the employee contributes 25% for employees hired before DATE. The Town contributes 70% of the premium and the employee contributes 30% for employees hired after DATE; these contribution rates are subject to change.

If an eligible employee elects not to subscribe to the group health insurance coverage provided by the Town, he/she must sign a waiver indicating that he/she does not wish to participate in this benefit. Should the employee wish to enroll in the plan at a later date, he/she must wait until the open enrollment period prior to the anniversary date of the policy (July 1st) and must have met the requirements as set forth by the insurance carrier. An employee appointed to an eligible position who commences employment prior to the tenth (10th) day of the month will begin coverage on the first (1st) day of the following month. Coverage will be delayed one additional month for those employees appointed to an eligible position after the tenth (10th) day of the month.

It is the employee's responsibility to notify the Personnel Coordinator of any change in status which would affect his/her insurance coverage (i.e., divorce, dependent child reaching specified years of age, change in individual or family coverage, planned retirement, etc.). Continued health insurance coverage may be available when an employee's status changes. The Personnel Coordinator should be contacted for detailed information regarding this benefit.

12.2 RETIREES. Any employee retired by the Town under the current pension plan as a result of their employment with the Town shall be eligible to continue as a participant in the group health insurance plans offered by the Town's carrier provided he/she was enrolled in a plan on the date of retirement.

- a. Upon attaining the age of 65, if the employee is eligible for Medicare, he/she must provide a copy of their Medicare card to the Treasurer's Office and may enroll in one of the supplemental plans, (in lieu of plans offered to active employees) offered to "Seniors" by the carrier.
- b. If a retiree is not eligible for Medicare, the employee must provide the Treasurer's Office with written documentation of ineligibility from Social Security and may continue on the plan they were last enrolled in with the Town.

12.3 INSURANCE ADVISORY COMMITTEE.

Pursuant to Massachusetts General Laws Chapter 32B, Section 3, an Insurance Advisory Committee is appointed annually by the Town Manager in consultation with affected bargaining units to act in an advisory capacity to the Town Manager and Board of Selectmen with regard to group insurance coverage. The Committee consists of representatives from the following employee groups school teachers(2), police employees, fire employees, public works employees, one representative from the SEIU; one representative from the Town's Management employees, and a retired former Town employee.

12.4 GROUP LIFE INSURANCE.

POLICY. Town employees who regularly work a minimum of twenty (20) hours per week and occupy positions classified as permanent are eligible to enroll in the Town's group life insurance coverage. At the time of employment, if an eligible employee elects not to subscribe to the group life insurance coverage provided by the Town, he/she must sign a waiver indicating that he/she does not wish to participate in this benefit.

12.5 WORKERS COMPENSATION

POLICY. Pursuant to Massachusetts General Laws, Chapter 152, all employees (except uniformed police and fire employees who are covered under M.G.L., Chapter 41, Section 111F) are provided insurance protection to cover the loss of wages and designated expenses arising from employment-related injuries. It is the responsibility of both the injured employee and his/her supervisor or department head to immediately report an injury to the insurance carrier and the Town Manager as soon as practicable.

12.5 MANAGEMENT RIGHTS

The Town expressly reserves the right to alter, amend or change all insurance benefits without notice, subject to its collective bargaining obligations.

PERSONAL/EMERGENCY, LEGAL, OR BUSINESS LEAVE, LEAVE OF ABSENCE, JURY DUTY AND BEREAVEMENT LEAVE

13.1 PERSONAL/EMERGENCY, LEGAL, OR BUSINESS LEAVE.

POLICY. All regular full time employees who have completed one full year of service prior to July 1st shall be eligible for up to (3) days of personal, emergency, legal or business leave days during the fiscal year. Such days may not be carried over into subsequent Fiscal Years and are not eligible for compensation at separation, retirement, or termination.

- a) For purposes of this section a "day" is equal to 1/5 of the number of hours in the employees regular weekly work schedule.
- b) A newly hired employee shall work continuously for six (6) months before being entitled to one (1) personal day and continuously for one (1) year to be entitled to two additional paid personal, emergency, legal or business leave days.
- c) Said days are to be taken at the discretion of the employee with the approval of the Department Head when in his/her opinion said day will cause the least interference with the operation of the department. An employee wishing to take a personal leave day shall request permission from the Department Head at least seven (7) days in advance except in emergencies. In the event said days are taken for a genuine emergent situation, prior notice is not necessary, however, approval of the Department Head is necessary.
- b) Such leave shall not be cumulative. Refusal to grant leave is not subject to grievance.

13.2 LEAVE OF ABSENCE

POLICY. Employees may be granted leaves of absence without pay not to exceed sixty (60) days for reasons of personal convenience under the following conditions:

- a) Such a request must be made in writing to the respective Board and or Department Head.
- b) In making such a request, at least fifteen (15) days prior notice must be given before the date on which the anticipated leave would commence.
- c) Employees granted such leave will not accrue credit for sick, vacation, or other types of paid leave.
- d) Longevity benefits will continue to accrue.

COVERAGE. All regular full-time and part-time employees.

13.3 JURY DUTY

POLICY. An employee who is called to jury duty shall receive an amount equal to the difference between his/her normal compensation and the amount (excluding any travel allowance) received for such duty upon presentation of evidence of the amount so paid.

COVERAGE. All regular full-time and part-time employees.

13.4 BEREAVEMENT LEAVE

POLICY. Bereavement leave shall be granted in the case of the death of a member of an employee's family. If the family member was a father, mother, spouse, child, sister, brother, grandparent, grandchildren, mother-in-law or father-in-law, the employee shall receive up to three (3) days leave provided that such days are the employee's regular working days and are taken within seventy-two (72) hours after the death. If the death in the employee's family was that of a brother-in-law, sister-in-law, uncle or aunt, niece/nephew, the employee shall receive up to one (1) day leave provided that the day of leave is the employee's regular working day and is taken to attend the funeral of such relative.

COVERAGE. All regular full-time and part-time employees.

FAMILY AND MEDICAL LEAVE (FMLA)

14.1 POLICY. The Town of Uxbridge will grant "eligible Employees," as defined in Section 16.3, up to twelve (12) weeks of leave during any twelve (12) month period for the following readiness:

- a) The birth of a child and to care for the newborn child.
- b) Placement of a child with the employee for adoption or foster care.
- c) To care for the employee's spouse, child, or parent with a serious health condition.
Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

Except in the following instances, employees must use all accrued sick, vacation, and personal time off during their FMLA leave: (The remainder of the FMLA leave is unpaid.)

- 1) If the employee is a birth mother, accrued sick leave must be utilized first for the period of the disability. After the disability, the employee may request unpaid leave for the remainder of the FMLA leave for the care of the child. Accrued vacation time and personal time may be used in lieu of part or all of the unpaid leave.
- 2) If the employee is not a birth mother, s/he may request unpaid leave or use the accrued vacation and personal time in lieu of all or part of the unpaid leave for the duration of the FMLA leave.

The Town of Uxbridge will maintain coverage for the employee under any group health plan for the duration of the FMLA leave. The coverage provided will be at the same level and under the same conditions that would have been provided if the employee had not taken the leave.

Spouses employed by the same employer are jointly entitled to a **combined** total of 12 work-weeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement.

Employees generally have the right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of their FMLA leave.

14.2 NOTICE. Employees wishing to take an FMLA leave must give the Town of Uxbridge 30 days advance notice when the need for leave is foreseeable. If the need for FMLA leave is not foreseeable, employees must give the Town as much advance notice as possible. An employee shall provide at least verbal notice within one or two business days of when the need for leave becomes known to the employee along with the anticipated timing and duration of the leave. The employer should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought by the employee.

If an employee requests leave for a serious health condition, the Town of Uxbridge may require that the employee submit a Certification of Health Care Provider form (U.S. Department of Labor Form WH-380). If the FMLA leave was for the employee's serious health condition, the Town of Uxbridge may also require that the employee present a certification of fitness to return to work.

14.3 ELIGIBLE EMPLOYEES. An "eligible employee" is an employee of a covered employer who:

- (1) Has been employed by the employer for at least 12 months (does not need to be consecutive months), and
- (2) Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave, and
- (3) Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite

14.4 INTERMITTENT LEAVE. Intermittent leave or leave on a reduced leave schedule which is medically necessary may be taken. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

The employee shall advise the employer, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employer and employee shall work out a schedule which meets the employee's needs without unduly disrupting the employer's operations, subject to the approval of the health care provider.

FMLA allows intermittent or reduced scheduled leaves in certain circumstances:

1. Leave for the birth or placement of a child may be taken intermittently or on a reduced leave schedule only if the employer agrees. Employer agreement is not required for leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.
2. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition. It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition.
3. Intermittent leave may be taken for a serious health condition which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. This includes medical appointments, prenatal examinations or bouts of severe morning sickness.
4. Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition even if he or she does not receive treatment by a health care provider.

5. There is no limit on the size of an increment of leave when an employee takes intermittent leave or leave on a reduced leave schedule. However, an employer may limit leave increments to the shortest periods of time that the employer's payroll system uses to account for absences or use of leave, provided it is one hour or less.

THE SMALL NECESSITIES LEAVE ACT

The Small Necessities Leave Act mandates that certain employers provide up to 24 hours of unpaid leave during any twelve month period to "eligible employees." This leave is in addition to the 12 weeks already allowed under the Federal Family and Medical Leave Act.

Employees are eligible for the 24 hour leave under the statute if their employer has 50 or more employees working within 75 miles of the worksite of the employee requesting the leave. In addition, the employee must (I) have been employed for at least 12 months by the employer from whom the leave is requested, and (II) provided at least 1,250 hours of service for the employer during the immediately previous 12 month period.

15.1 REASONS FOR TAKING LEAVE. The 24 hour unpaid leave may be taken for any of the following reasons:

- to participate in school activities directly related to the educational advancement of a son or daughter of the employee such as parent-teacher conferences or interviewing for a new school; or
- to accompany the son or daughter of the employee to routine medical or dental appointments such as check-ups or vaccinations; or
- to accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

15.2 NOTICE REQUIREMENT/CERTIFICATION. To be entitled to the leave, employees must provide notice to the employer as follows:

- if the need for leave is foreseeable, the employee must request the leave not later than 7 days in advance;
- if the need is not foreseeable, the employee must notify the employer as soon as practicable under the particular circumstances of the individual case.

To the extent possible, employees must provide written notice to the employer. If not feasible, employees may request leave orally.

Certificates and/or requests for leave provided by employees must be kept in the employee's personnel record and must be maintained for three years in accordance with M.G.L. C 149, § 52C. Records and documents relating to medical certifications or medical histories of employees' family members must be maintained as confidential medical records and kept in separate files from the usual personnel files.

15.3 UNLAWFUL ACTS BY EMPLOYERS. A violation of the Act occurs when the employer (I) fails to provide the time requested by the eligible employee; or the (II) employer harasses the employee who requests the leave, even if the leave is granted; or (III) the employer retaliates against the employee for using time the employee has properly requested and is entitled to. Harassment includes annoying, beleaguering, bothering, unwelcome teasing or tormenting. Retaliation includes firing the employee, demoting the employee, not otherwise restoring the employee to the position held by that employee prior to taking the leave, and/or creating an unnecessarily unpleasant work environment for the employee.

15.4 ENFORCEMENT. The Act authorizes the Attorney General to initiate either a criminal action against an employer who violates the Act and/or to seek injunctive relief against such employer.

Any employer convicted of a criminal violation of the Act is subject to a \$500 fine. In addition, any aggrieved employee may institute a civil action for injunctive relief and/or damages against his or her employer. Should the employee prevail, he or she will be entitled to treble damages, costs of the litigation and reasonable attorney's fees.

MATERNITY LEAVE

16.1 Employees may be granted maternity leaves in accordance with the provisions of M.G.L. C. 149, §105 D.

INJURED ON DUTY/SAFETY

17.1 POLICY. Any town employee, except for a Fire Fighter or Police Officer, who sustains an injury or illness in the performance of his or her duties will be covered for medical benefits and/or disability payments under the Town's current Workers' Compensation Policy. All employees who are injured must immediately report the injury to their supervisor and complete a written injury report form which will be provided to him/her by the supervisor. It is imperative that all employees report any injuries at once. The Town is required by law to file and "Employers' First Report of Injury Form" with the Massachusetts Department of Industrial Accidents within five (5) days of the employee's first notice of injury.

17.2 COMBINING WORKMEN'S COMPENSATION WITH SICK LEAVE OR VACATION. When the injured employee's workmen's compensation is less than his/her average weekly wage and the employee has unused vacation and/or sick leave to his credit, the employee may request that he/she be paid the difference between his/her normal base pay and the workmen's compensation rate. The allowance over and above the rate will be proportionately charged to the employee's vacation and/or sick leave.

17.3 COVERAGE. All regular full-time and part-time employees except members of the Police and Fire Departments who are covered under the provisions of Chapter 41, Section 111F of the Massachusetts General Laws.

SAFETY

17.4 POLICY. The Town shall provide and maintain safe working conditions. All employees shall be provided with necessary safety equipment and clothing. All employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished.

17.5 RESPONSIBILITY OF DEPARTMENT HEADS. Department heads and supervisors shall assume full responsibility for safe working areas; recommended corrections in deficient work procedures, facilities, clothing or equipment; insure the availability and utilization of appropriate protective clothing and equipment; monitor working conditions and field procedures to detect any possible safety hazards; and investigate and report all accidents promptly. In addition, they shall meet on a regular basis with a loss control representative from the Town's Workmen's Compensation Carrier in order to evaluate accidents and monitor the implementation of safety measures. Regular training sessions on safe work procedures will be scheduled for all Town employees.

17.6 RESPONSIBILITY OF EMPLOYEES. Each employee shall assume full responsibility for observing all safety rules, operating procedures and safety practices; utilize personal protective equipment at all times; promptly report unsafe working areas, conditions or other problems; and report all accidents to the appropriate supervisory personnel. Employees who violate any safety rules or policies may be subject to disciplinary action.

17.7 COVERAGE. All regular full-time and part-time employees.

17.8 MANDATORY USE OF SEAT BELTS. All Town of Uxbridge employees are required to wear a safety belt when operating or riding in a vehicle owned or leased by the Town of Uxbridge, or in any other vehicle, including a personal vehicle, while engaged in Town related business. All employees, including Police, Fire, and School Department personnel must comply with this Bylaw unless exempted by M.G.L. Chapter 20, Section 13A.

HARASSMENT

18.1 POLICY. It is the policy of the Town of Uxbridge to provide a working atmosphere for employees and visitors which is free from harassment. It is a violation of this policy for any employee, supervisor or elected official to engage in or condone harassment, either sexual or otherwise. It is the responsibility of every employee to recognize acts of harassment and take every action necessary to ensure that the applicable policies and procedures of the Town are implemented. Any employee who believes that he or she has been subjected to harassment has the right to file a complaint with his/her Supervisor or the Town Manager. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties.

18.2 DEFINITIONS. Harassment: Conduct directed at an employee, either by a coworker, manager, supervisor, or elected official, that is intended to threaten or disturb.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written or physical conduct of a sexual nature which may include, but is not limited to, the following circumstances:

- a) When submission to such conduct is made explicitly or implicitly a term or condition of employment.
- b) When submission to or rejection of such conduct by an individual is used by the offender as a basis for making personnel decisions affecting the individual subjected to sexual advances;
- c) When such conduct has the effect of unreasonably interfering with the individual's work; or
- d) When such conduct has the effect of creating an intimidating, hostile or 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 orientated conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace 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 all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

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

ALL EMPLOYEES SHOULD TAKE SPECIAL NOTE THAT, AS STATED ABOVE, RETALIATION AGAINST AN INDIVIDUAL WHO HAS COMPLAINED ABOUT HARASSMENT, AND RETALIATION AGAINST INDIVIDUALS FOR COOPERATING WITH AN INVESTIGATION OF A HARASSMENT COMPLAINT IS UNLAWFUL AND WILL NOT BE TOLERATED BY THE TOWN OF UXBRIDGE.

18.3 PUBLICATION OF POLICY. At the beginning of their employment with the Town, each employee shall receive a copy of this policy. Copies of a poster explaining what constitutes harassment shall be posted at all employment sites.

18.4 TRAINING. All administrators, supervisors and employees shall receive appropriate training.

18.5 COMPLAINT PROCEDURE. If an employee believes that he/she has been subjected to harassment, the employee has the right to file a complaint with his/her Supervisor or the Town Manager. This may be done in writing or verbally. In cases where the Town Manager is the subject of the complaint or may otherwise have a conflict of interest the Board of Selectmen shall appoint an independent investigator.

The complaint should include the following details: the name of the complaining party; the name of the offender; the date of the offense; a description in as much detail as possible of the incident(s), including any statement by either party; and a list of known witnesses.

18.6 INVESTIGATION. Complaints filed pursuant to this policy shall be promptly and thoroughly investigated by the designated individual to whom the complaint is made. All circumstances of the situation shall be considered in the investigation of possible harassment incidents. In determining whether the alleged conduct constitutes harassment, consideration shall be given to the totality of the circumstances, including the context in which the alleged incident occurred. Upon completion of the investigation, the supervisor shall prepare a report including the following:

- 1) The date(s) of the incident(s)
- 2) The name of the complainant
- 3) The name of the offender(s)
- 4) A summary of the factual allegations that allege harassment
- 5) The name of all potential witnesses
- 6) A summary of the steps taken to complete the investigation
- 7) A summary of all witness statements (with copies of the actual statements attached)
- 8) A listing of any physical evidence available

- 9) A factual summary of all the evidence that either supports or refutes the allegations of sexual harassment.

18.7 COMPLAINT REVIEW. The Town Manager will attempt to resolve all complaint. If either the accuser or accused wishes, they may appeal the Manager's decision to the Board of Selectmen. (Upon receipt of the completed investigation report from the investigator, the Board shall assign a member to attempt to resolve the matter.) If the matter is not resolved within a reasonable time, the Board of Selectmen shall set a hearing date.

18.8 HEARINGS. Hearings shall be held in accordance with the State Administrative Procedures Act, and all appropriate collective bargaining agreements. Notwithstanding any of the provisions of the State Administrative Procedures Act, and all appropriate collective bargaining agreements, all accused employees shall be notified in writing at least 10 days before about the hearing and the allegation; to be allowed to attend the hearing and testify in his or her own behalf; be entitled to confront or cross-examine the complaining party and other witnesses who are called; be entitled to call witnesses in his or her own behalf; and be allowed to introduce evidence which is relevant to the issues presented by the complaint and the investigative report.

18.9 WRITTEN DECISIONS. Within 15 days of the hearing, the Board of Selectmen shall issue a decision that:

Includes a finding of facts and conclusions explaining how those facts establish a violation of the sexual harassment policy; and recommends sanctions.

18.10 SANCTIONS. Employees who violate this policy may be subject to sanctions up to and including termination.

18.11 STATE AND FEDERAL REMEDIES. In addition to the above, if someone believes that he/she has been subjected to harassment he/she may file a formal complaint with either or both of the government agencies listed below. Using the Town's complaint procedure does not prohibit someone from filing a complaint with either of these agencies. Each agency has a short term for filing a claim (EEOC, 180 days; MCAD, 6 months).

1. The United States Equal Employment Opportunity Commission (EEOC)
One Congress Street, 10th Floor
Boston, MA 02114
(617) 565-3200
2. The Massachusetts Commission Against Discrimination (MCAD)
Boston Office:
One Ashburton Place
Room 601
Boston, MA 02108
(617) 727-3990

CODE OF CONDUCT

19.1 POLICY. All employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting town business.

This policy covers all regular full-time and part-time employees.

19.2. CUSTOMER SERVICE POLICY.

The primary duty of an employee of the Town of Uxbridge is to serve the public.

It is the employee's responsibility to extend courteous service to customers as expeditiously as possible. Politeness should also be extended during all telephone conversations whether it is a simple request or a call from a distraught individual.

Citizens visiting/inquiring/complaining/ are NOT to be deemed an interruption to our daily duties. They are the reason for our jobs.

19.3 RECEIPT OF GIFTS.

a) Employees are expressly prohibited from soliciting or accepting gifts, gratuity, favors, entertainment, loans, or any other item of monetary value from any person who has or may be seeking to obtain business with or privilege from the Town, or from any person within or outside town employment whose interests may be affected by the employee's performance or nonperformance of official duties.

b) Acceptance of nominal gifts (\$50.00) in keeping with special occasions, such as marriage, retirement, or illness; food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional materials, e.g., pens, notepads, calendars of nominal intrinsic value, is permitted.

c) **FLOWER FUNDS OR GIFTS FOR FELLOW EMPLOYEES.** Contributions made for such funds or special gifts are not prohibited. However, participation in such activities, including contributions for even nominal gifts to Supervisors must be wholly voluntary on the part of each employee and any gifts should be of minimal value.

d) **SUPERVISORS AND DEPARTMENT MANAGERS.** The policies described in all of the above sections shall apply to Supervisors and Department Heads, appointed or otherwise. In addition, Supervisors and Department Heads must avoid placing themselves in a position which could interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No Supervisor shall accept gifts from subordinates other than those of nominal value for special occasions, and no Supervisor or Department Head shall borrow money or accept favors from any subordinate.

19.4 BUSINESS ACTIVITIES AND SOLICITATIONS. No employee shall engage in any business other than his/her regular duties during working hours; this policy specifically excludes such activities as solicitation of fellow employees, lending of money for profit or any similar activity.

19.5 PRIVILEGED INFORMATION. Employees who deal with plans and programs of significant public interest have a fiduciary obligation to the Town. They must not use this privileged information for their own financial advantage or provide friends and acquaintances with information which they could use to their financial advantage. If an employee finds that he/she has an outside financial interest which could be affected by town plans or activities, then he/she must immediately report the situation to his/her supervisor. Each employee is charged with the responsibility of insuring that he/she releases only information that should be made available to the general public. The unauthorized release of privileged information or its use for private gain constitutes just cause for termination from town employment.

19.6 USE OF PROPERTY. Employees, supervisors, and Department Heads shall not, either directly or indirectly, use or allow the use of Town property for anything other than official activities.

19.7 POLITICAL ACTIVITIES. All employees are entitled to exercise their rights as citizens to express their opinions and to cast their votes. Town employees, while on Town time, may not, however:

- a) use their official authority or influence for the purposes of interfering with or affecting the result of an election.
- b) directly or indirectly coerce, command, or advise a state or local official or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
- c) use Town resources, equipment, or money for any election or campaign purposes while on town time.

DISCIPLINARY POLICY

20.1 COVERAGE. All regular full-time and part-time employees.

20.2 POLICY. It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of the departments of Town government.

- a) Departmental Responsibilities. Each Department Head is responsible for the proper and efficient operation of his/her department and for enforcing all policies and regulations. Supervisors are authorized to apply, with the approval of the appropriate Department Head, such disciplinary measures as may be necessary.
- b) Reasons for Disciplinary Action. Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public. The following shall constitute sufficient cause for disciplinary action.
 - 1) Neglect in the performance of the duties of the position to which the employee is assigned.
 - 2) Disregard for or violation of Town departmental policies and regulations.
 - 3) Willful or negligent misuse, misappropriation or destruction of Town property or conversion of Town property to personal use or gain.
 - 4) Frequent tardiness or absence from duty without prior approval.
 - 5) Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions from a supervisor, or other acts of insubordination.
 - 6) Use of intoxicating beverages to excess or abuse of narcotics, drugs, or other controlled substances so as to interfere with job performance or the efficiency of Town service.
 - 7) Use of alcoholic beverages, narcotics, drugs or other controlled substances while on duty.
 - 8) Use of ethnic slurs, racial epithets or any terms of derision when referring to a specific ethnic, racial or religious group. Use of derisive terms when referring to people of specific religions, sexual orientation, gender, or in any way handicapped.
 - 9) Unsuitable conduct which interferes with effective job performance or has an adverse effect on the efficient provision of Town services.
 - 10) Disregard for or frequent violations of Town bylaws or state laws.
 - 11) Violation of privileged information or its use for private gain.
 - 12) Failure to observe safety practices including use of safety equipment such as eye protection or hearing conservation devices or any other safety equipment which is deemed necessary by the supervisor.
 - 13) Sexual or other harassment.
 - 14) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

20.3 PRODECURES.

- a) **ORAL REPRIMAND.** Whenever grounds for disciplinary action exist, including but not limited to, abuse of leave, absenteeism, insubordination, misconduct, or failure to follow established safety rules, and the supervisor determines that more severe action is not immediately warranted, the supervisor should orally communicate to the employee the supervisor's observation of the deficiency and offer assistance in correcting it.

At this point, some specific time period should be established between the supervisor and the employee during which the problem should be corrected before any further action is taken. Whenever possible, sufficient time for improvement should precede formal disciplinary action. A notation in the employee's personnel file should be made, but the failure to make such a notation shall not be considered evidence that the reprimand did not occur. If no incidents of the behavior which have cause for the original oral reprimand recur in a twelve month period of time, the reprimand will be considered null and void.

- b) **WRITTEN REPRIMAND.** A written reprimand shall be addressed to the employee and will include: the charge; the specific behavior and the dates of the behavior (where appropriate) that support the charge; the warning that continuance of this behavior will result in more severe disciplinary action; an offer of assistance in correcting the behavior; any circumstance affecting the severity of the discipline; and advice on the right to appeal.

A signed copy of the reprimand shall be sent to the Department Head, Town Manager and Human resources Coordinator, and will be kept in the employee's personnel file, and the employee will have the opportunity to submit comments for the personnel folder.

- c) **SUSPENSION.** A Department Head, Board, or designee (supervisor) may suspend an employee, without pay, for up to, but not exceeding thirty (30) calendar days. On or before the effective date of the suspension, the employee will be furnished with a written statement setting forth the reasons for the suspension, the effective dates of the suspension, and the date the employee should return to work.

The statement will also include: the charge; the specific behavior and the dates of the behavior (where appropriate) that support the charge; the warning that continuance of this behavior will result in more severe disciplinary action; an offer of assistance in correcting the behavior; any circumstance affecting the severity of the discipline; and advice on the right of appeal.

d) **DISMISSAL.** The Department Head or Board may terminate an employee after due consultation with the Town Manager. The employee must be given a written notice signed by the Supervisor and Town Manager specifying the effective date of the termination, the charge, the specific behavior and the dates (where appropriate) that support the charge, any circumstances affecting the severity of the discipline, and advice on the right of appeal. Discipline is generally a progressive procedure; however, suspension or dismissal may be the initial step taken in a disciplinary action depending upon the severity of the grounds for disciplinary action. When any formal disciplinary action is taken, a copy will be forwarded to the Human Resources Coordinator, and a copy will be placed in the employee's personnel file.

GRIEVANCE PROCEDURE

21.1 A grievance procedure is a dispute between an employee and the appointing or supervisory authority arising out of an exercise of management rights or administrative discretion, or interpretation of these policies.

This grievance procedure is outlined for non-unit employees. With respect to union-represented employees, departmental labor agreements should be reviewed for individual department policies.

All employees have a right to have grievances and concerns regarding employment heard in a fair, equitable, and timely manner. The decision to air a grievance will not result in any retaliation to the employee, regardless of the final decision. The grievance procedure steps are as follows:

- Step 1. The employee should raise any questions, concerns, or grievances with their immediate supervisor. The employee and supervisor are encouraged to work together to resolve the problem at this level.
- Step 2. If the employee is not satisfied with the response during informal discussions, that employee may present the case to the department head. The department head will meet with the employee to discuss the case and provide the employee with a response on a timely basis.
- Step 3. If the employee is still not satisfied, the employee may submit a written grievance to the Town Manager, or if the grievance is against the Town Manager, to the Board of Selectmen.

Based on the written grievance and any other information, the Town Manager or Board of Selectmen, with Labor Counsel, will make a final determination concerning the case. The determination by the Manager or Board of Selectmen will be final and binding.

Employees may request to bring legal counsel to meetings during the grievance review and may, with the agreement of the other party, extend the time limits.

21.2 PRIVACY AND INFORMATION. In all instances, both the employee's right to privacy and the right of the public to have access to public information shall be preserved by observance of the appropriate statutes and laws pertaining to both.

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PROGRAM

22.1 POLICY. Except as noted in Section 7.2 (d), it is the policy of the Town of Uxbridge to provide equal employment opportunity for all. Personnel decisions will be based solely upon individual merit and fitness of applicants and employees related to the specific job requirements and without regard to race, color, religion, sex, age, national origin, physical disability, political affiliation, or other non-merit factors. In its continuing effort to upgrade the standard of living and civil rights of its citizens, the Town will require all of its elected officials and employees to uphold this policy.

22.2 RESPONSIBILITY FOR AFFIRMATIVE ACTION. The responsibility for implementing the Affirmative Action Program rests with each Town department. The Town Manager has been assigned by the Board of Selectmen the responsibility of coordinating the implementation of the Program in his/her capacity as its Director. His/her duties will include:

- a) Monitoring and aiding all Town departments in identifying and correcting all deficiencies which presently exist in the provision of equal employment opportunity.
- b) Monitoring the Town's Affirmative Action Program and initiating any steps which are needed to deal with its shortcomings.
- c) Handling expeditiously any complaints from Town employees who believe themselves to be the victims of discrimination.
- d) Serving as liaison between the Town, the outside community, and minority and women's groups.

22.3 DISTRIBUTION OF POLICY. The Town of Uxbridge will communicate its Equal Employment Opportunity Policy to all officials, employees, contractors, and the general public in the following manner:

- a) Inclusion of this document as part of the Town's Personnel Policy.
- b) Providing a copy of this document to every Town department, board, and committee for posting and distribution to employees.
- c) Ensuring that each Town department communicates this policy to:
 - 1) All job applicants.
 - 2) All private contractors who do business with the Town.
 - 3) All sources of employment referrals including, but not limited to: Civil Service, Massachusetts Division of Employment Security, area minority groups and women's organizations.

22.4 TRAINING. The Town of Uxbridge will afford full and equal opportunity for participation in all training programs that are made available to Town employees. Training systems will be reviewed periodically to ensure that training opportunities are being offered to all eligible employees on an equal basis and that any inequities are corrected.

22.5 EMPLOYEE BENEFITS AND STATUS. The Town of Uxbridge will ensure that there will be equality in the administration of employee benefits and compensation. The Town will insist that the criteria for fringe benefits, overtime, and pay rates will not differ because of race, color, religion, sex, age, or natural origin.

POLICY ON MAINTAINING A DRUG FREE WORKPLACE

23.1 The Town of Uxbridge recognizes the need for a safe and health work environment and intends to provide a workplace free from the illegal use of drugs, alcohol, and controlled substances for their employees in accordance with the United States Drug-Free Workplace Act of 1988 (PL100-690 or 41 U.S.C.S. 701-707).

The unlawful manufacture, distribution, sale, possession or use of any controlled substances, or use of alcohol or drugs is absolutely prohibited on all property owned, leased or under the control of the Town, including but not limited to: all work stations, offices, town sites, in town vehicles, parking lots, roadways, or in town facilities by all town employees while they are acting in their capacity as employees.

The purpose of establishing a drug-free workplace is to inform town employees about:

- a. the serious danger of drug abuse in the workplace;
- b. the Town's policy of maintaining a drug-free workplace;
- c. the availability of drug counseling, rehabilitation and employee assistance programs; and
- d. the consequences of employee drug use in the workplace. (Any employee found in violation of this policy will be subject to discipline up to and including dismissal and/or may be required to successfully complete counseling or a rehabilitation program.)

The Town of Uxbridge establishes, as a condition of employment, that each employee must abide by the drug-free workplace policy; and that each employee must notify the Town Manager within five (5) days of any arrest for violation of any federal or state criminal drug law.

Additionally, any employee who is convicted of any violation of this policy must, within five (5) days of any such conviction, notify the Town Manager.

The Town Manager shall notify the appropriate federal agency within ten (10) days of receiving notice of a violation of statute and shall have up to thirty (30) days, from the time of notification by the employee of a conviction for a workplace offense, to take appropriate personnel action up to and including discharge.

Absence from Duty – An employee who is absent from duty for more than sixty (60) continuous calendar days on sick leave, injured-on-duty leave, disciplinary suspension, or leave of absence may be tested within the first fourteen (14) calendar days after his/her return to active duty.

Serious Incidents – An employee involved in an incident on the job which is serious, life threatening, or involves serious bodily injury may be tested after the incident if a test is approved by the Town Manager or his/her designee.

Reasonable Suspicion – An employee may be tested after a determination by the Town Manager or his/her designee that there is reasonable suspicion to test the employee based on management judgement that an employee is in violation of Town policy. Reasonable suspicion is a belief, based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is using or is under the influence of drugs so that the employee's ability to perform his/her duties is impaired. Reasonable suspicion shall be based upon information of objective facts obtained by the department and the rational inferences which may be drawn from those facts. The information, the degree of corroboration, the results of the investigation or injury and/or other factors shall be weighed in determining the presence or absence of reasonable suspicion.

Procedures

- A. Hair samples, urine samples, or blood samples when requested by the employee, will be taken from an employee or a prospective employee according to directions provided by the testing facility. The sample will either be hand delivered to the testing facility or it will be mailed via overnight courier service such as provided by Federal Express.
- B. The laboratory selected to conduct the analysis must be experienced and capable of quality control, documentation, chain of custody, technical expertise and demonstrated proficiency in radio-immunoassay testing. Technicians performing the tests must be available for testifying regarding test results, if required. (Only a laboratory which has been properly licensed or certified by the state in which it is located to perform such tests will be used.) The testing standards employed by the laboratory shall be in compliance with the Scientific and Technical Guidelines for Drug Testing Programs, authored by the Federal Department of Health and Human Services, initially published on February 13, 1987, and as updated.
- C. The employee to be tested will be interviewed to establish the use of any drugs currently taken under medical supervision. Any employee taking drugs by prescription from a licensed physician as a part of treatment, which would otherwise constitute illegal drug use, must notify the tester in writing and include a letter from the treating physician. Any disclosure will be kept confidential by the tester.
- D. Test results will be made available to the employee as soon as they are made known to the department. Employees having negative drug test results shall receive a memorandum stating that no illegal drugs were found. If the employee requests it, a copy of the memorandum will be placed in the employee's personnel file.
- E. The testing procedures and safeguards provided in this policy shall be adhered to by all personnel associated with the administering of drug tests. The employee will be assigned a test code identification for the purposes of maintaining anonymity and to assure privacy throughout the sampling and testing procedure. The employee will sign and certify documentation that the coded identification on the testing sample corresponds with the assigned test code identification.
- F. The employee to be tested will be notified of the test requirement a reasonable time before testing and when blood or urine samples are to be taken, shall report to the station at the time designated for transportation to the medical facility or laboratory designated by the Town to obtain the testing samples. Hair samples may be taken at the place of work.
- G. The Town will designate to the testing facility the specific drugs for which the sample is to be analyzed. The testing facility will report findings only as to those specific drugs for which the Town requested testing. The testing shall consist of an initial screening test and, if that is positive, a confirmation test. The confirmation test shall be by gas chromatography or mass spectrometry.
- H. Each step of the processing of the test sample shall be documented in a log to establish procedural integrity and the chain of custody. Where a positive result is confirmed, test samples shall be maintained in secured storage for as long as necessary.

Prohibited Conduct

1. Illegal possession of any controlled substances.
2. Illegal use of any controlled substances.
3. Refusal to comply with the requirements of this drug policy.
4. Improper use of prescription medicine.

Definitions

1. **Alcohol** – Alcohol includes alcoholic beverages and any other intoxicating liquid that contains alcohol.
2. **Controlled Substances** – Are defined as any controlled substance defined or classified as such by law, including but is not limited to: amphetamines, marijuana, cocaine, opiates, and phencyclidine and may also mean prescription drugs.
3. **Illegal Drugs** – Includes any drug whose sale, use, or possession is unlawful including controlled substances.
4. **Legal Drugs** – Includes prescription drugs or medications that are prescribed only to the person whose name is on the prescription bottle.
5. **Reasonable Suspicion** – Means a belief based on facts sufficient to lead a prudent person to suspect an occurrence is taking place or has taken place.
6. **Conviction** – Means a finding of guilt, including a plea of nolo contendere, or imposition of sentence or both by a judicial body charged with the responsibility to determine violation of the federal or state criminal drug statutes.
7. **Employees in Sensitive Positions** – Means employees, in this case, with CDL licenses and/or drive vehicles owned by the Town of Ludlow.
8. **Drug Screen** – Means an initial test such as comparable to the enzyme multiplied immunoassay technique which is called EMIT assay urinalysis which is positive for any employee will be further verified by gas chromatography/mass spectrometry (GC/MS) Analysis or its equivalent.
9. **Negative Result** – Means results of the initial screen indicated no presence of a controlled substance or its metabolites in the individual's system or if the medical review officer has found a supportable reason for the urine test though positive may call it negative.
10. **Positive Test** – Means results of the screening and the confirmatory test indicate the presence of a controlled substance or its metabolites in the individual's system whether either performed in the urine, hair, blood, or alcohol drug testing.
11. **Refusal to Submit to an Alcohol or Controlled Substance Test** – Means that the employee;
 1. Fails to provide adequate breath for testing without a valid medical explanation;
 2. Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part;
 3. Engages in conduct that clearly obstructs the testing process.

Impairment by Prescription Medicine – An employee shall notify the Department Head when required to use prescription medicine which the employee has been informed may impair job performance. The employee shall advise the department head of the known side effects of such medication and the prescribed period of use. The department head shall document this information through the use of internal confidential memoranda maintained in a secured file. The employee may be temporarily reassigned to other duties, or prohibited from working, where appropriate, while using prescription medicine which may impair job performance or create unsafe working conditions. An employee prohibited from working may utilize sick leave where appropriate or may be placed on unpaid leave of absence if sick leave is not available.

Return to Duty and Follow-up – This is conducted when an individual who has violated the prohibited alcohol and drug testing process returns to performing regular duties. Follow-up tests are unannounced and this remains in effect for up to five years.

Refusal to be Tested:

Failure to comply with the drug and alcohol testing procedures may result in disciplinary action, up to and including, the termination of employee.

All employees will be given a copy of this policy to retain and review.

Employees having any questions in regard to this policy are invited to contact the Town Manager to discuss their concerns.

COMPUTER/COMMUNICATIONS SYSTEMS USE POLICY

24.1 PURPOSE. The Town of Uxbridge recognizes the need for computers and communications systems (electronic mail, voice mail, cell phones and facsimile) and the vital role they play in assisting Town employees in delivering exceptional public service. The Town recognizes the computer and communication systems as tools and it is expected that these tools will be used in an appropriate manner at all times. The primary purpose of computers and communications systems is to serve Town business. These systems are not for personal use during work hours, and may be used for personal use only by the express permission of a Department Head during non-work hours. All information and communication on such systems is the property of the Town of Uxbridge. The following rules are implemented to ensure that these valuable Town resources are being properly utilized by employees, contractors, officials and volunteers.

24.2 LEVELS OF ACCESS. Positions in the organization will have varying degrees of computer access and capability. Access level will be determined by the employee's Department Head in conjunction with the Systems Administrator. Not all positions require or will have computer access. The Town specifically reserves the right to withdraw any computer or communications system access to any employee at any time.

Levels:

1. Access to view Intranet.
2. Access to Intranet and basic systems (Word, Excel, Outlook, Intranet, etc.)
3. Access to Intranet, basic systems and internal e-mail.
4. Access to Intranet, basic systems, secured select systems such as payroll, accounts payable, GIS, and internal e-mail.
5. Access to Intranet, basic systems, secured select systems, internal and external e-mail.
6. Access to Intranet, basic systems, internal and external e-mail, and the Internet.
7. Access to Intranet, basic systems, secured select systems, internal and external e-mail, and the Internet.

24.3 POLICIES AND PROCEDURES FOR COMPUTER/COMMUNICATION SYSTEMS. The following policies and procedures are designed for the proper use of the Town's computer and communication systems resources. Violation of these policies will subject the employee to

disciplinary action, up to and including the termination of one's employment. Contractors or vendors who violate this policy will be in breach of their contract with the Town and subject to immediate cancellation of the contractual relationship.

24.4 DEFINITIONS:

24.4.1 Communication Systems: E-Mail, voice mail, facsimile, cell phone and the communications infrastructure.

24.4.2 Computer: All hardware and operating systems.

24.4.3 Hacking/Cracking: The unauthorized attempt to enter into any other computer or system.

24.4.4 Internet: The worldwide computer network used for communication and exchange of information.

24.4.5 Virus: A computer generated message used to debilitate, destroy, or disrupt the proper functioning of a computer or system.

24.4.6 E-Mail: Electronic messages transmitted via computer to internal users, external users, or both.

24.4.7 Internet Service Provider: An entity that provides the initial host connection to the Internet.

24.4.8 Confidential or Sensitive Information: That information which is used by Town officials or employees in representing the Town in pending legal matters or negotiations of any type which would put the Town at a disadvantage in the negotiation process should the information be disseminated. Additionally, this includes personnel information, health information, and financial information regarding any employee of the Town.

24.5 RULES FOR COMPUTER USE: The following rules are designed for the proper use of Town owned computer and communication systems. As noted in the introductory paragraph to this policy, this is Town owned equipment which must primarily be used for Town business. Town systems shall only be used for personal use during non-work hours, and only with the express permission of a Department Head. All other uses, including but not limited to the following are prohibited:

24.5.1 Town computers and communication systems shall not be used for transmitting or receiving messages that violate the Town's policies prohibiting sexual harassment or workplace violence. Receipt of any messages violating these policies shall be immediately reported by the recipient to his/her Department Head who in turn will report this to the Town Manager.

24.5.2 Violating any federal or state law (including all copyright laws) is prohibited.

24.5.3 Vandalizing any hardware, software, computer or communications system is prohibited. Intentionally introducing any computer viruses into the system is strictly prohibited.

24.5.4 The Town systems shall not be used for political purposes.

24.5.5 The Town systems shall not be used for collective bargaining purposes other than by the Town Manager, Board of Selectmen and Union officials communicating with the Town Negotiator.

24.5.6 The system shall not be used for fundraising activities.

24.5.7 Hacking or cracking is strictly prohibited. Testing the system's security shall be the responsibility of the Systems Administrator and such testing shall only be conducted under the express authorization of the Town Manager.

24.5.8 Chain letters, lotteries, games, etc. are prohibited from the Town's computer systems.

24.5.9 Misrepresenting oneself in any communication or attempting/sending any message anonymously is strictly prohibited.

24.5.10 Loading, use and accessing of personal Internet Service Provider accounts (AOL, CompuServe, etc.) on Town owned equipment is prohibited.

24.5.11 Employees should not communicate their passwords to anyone, nor record it where it may be found. Employees may not use anyone else's password except at the direction of their Department Head. Attempting to access/use another person's password without the required permission is strictly prohibited and may result in discipline up to and including termination.

24.5.12 Employees should not write anything about anyone that is inflammatory or defamatory. There should be no expectation of privacy with respect to the use of the computer. E-mail is not confidential. E-mail and files are the property of the Town

24.5.13 The system shall not be used for engaging in commercial activity, i.e. conducting a private business.

24.5.14 Employees will not be allowed to access sites that are not work related and the Town employs software designed to limit access to sites that may be offensive. Specifically, any site that displays pornography or nudity shall not be accessed. Attempting to circumvent this software is prohibited. Sites that are offensive or discriminatory based on race, gender, religion, national origin, or any other protected classification of persons shall not be accessed by Town employees, unless they are accessed as part of a police investigation and then only after the Chief of Police or his/her designee has been made aware of the site to be accessed prior to actually accessing it. Any employee who visits a site by accident that is prohibited under this paragraph shall forward the web site address to the Systems Administrator.

24.5.15 No privately owned computer systems, laptop computers, or peripherals will be added to the Town system without prior authorization from the Systems Administrator. Privately owned software will only be installed on Town computers (including laptops) by the Systems Administrator with proper authorization from a Department Head or the Town Manager.

24.5.16 No confidential, attorney-client communication or information related to pending litigation shall be communicated via E-mail. E-mail is subject to discovery and may be subject to the Massachusetts Public Records Law. Confidential or sensitive information should more appropriately be communicated in written form or verbally.

24.5.17 Employees shall not transmit confidential or sensitive information via E-mail or facsimile machine to any entity without the express authorization of their Department Head.

Violation of any of the foregoing rules may result in the imposition of disciplinary action, up to and including, the termination of employment.

24.6 MONITORING OF COMPUTER/COMMUNICATIONS ACTIVITY. Internet (including all web sites visited), E-mail and use of computers may be monitored for compliance with this policy in accordance with the Massachusetts General Laws. All messages sent over the Town computer and communications systems are the property of the Town. These messages are subject to the discovery process.

24.7 RECORDS RETENTION. Pursuant to the records retention law in Massachusetts, E-mail, documents, reports, and other public records that need to be saved should be done so in a hard copy format in accordance with the approved records retention schedule. Records retention is the responsibility of public records custodians, including public officials, employees, contractors, and volunteers. The Town Accountant and/or Systems Administrator backs up computer source documents for disaster recovery only, not records retention. After a hard copy has been printed of E-mail that must be saved, be sure to delete the message from your mailbox. Promptly delete messages that do not need to be saved.

24.8 SECURITY OF COMMUNICATIONS. Be advised that others not associated with the Town may be monitoring your Internet communications and that these communications are not secure.

All employees, contractors, officials, and volunteers who are granted access to the Town of Uxbridge computer/communication systems will be required to sign a Computer Use Agreement Form indicating that the employees, contractor, or vendor has received a copy of the Town of Uxbridge Computer/Communications Systems Use Policy and that they agree to be bound by said policy.

AMERICANS WITH DISABILITIES ACT REQUIREMENTS

25.1 Pursuant to the requirements of 28 CFR Part 35, the Town of Uxbridge advises applicants, participants, and the public that it does not discriminate on the basis of disability in access to, or employment in, its programs, services, and/or activities.

25.2 Americans with Disabilities Act Grievance Procedures

- a) **Purpose** – The purpose of this procedure is to secure, in the easiest and most efficient manner, the resolution of grievances. For the purpose of this organization, a grievance shall be defined as a complaint regarding access or alleged discrimination.
- b) **Scope** – This procedure shall be available to all individuals utilizing the services and facilities of the Town, applicants for employment with the Town, and all employees of the Town.
- c) **Complaint Process** –

STEP 1

All grievances are to be submitted in writing to the Town Manager. The Town Manager shall forthwith appoint an individual to investigate the matter. The grievant shall set forth in the body of the grievance the nature of the complaint, the facts upon which it is based, the specific barrier to access or alleged discrimination, and the relief requested. No grievance shall be accepted which has been submitted:

- 1) More than one hundred and eighty (180) days after the occurrence of the event giving rise to the grievance; or
 - 2) Within one hundred and eighty (180) days after the grievant, through the use of reasonable diligence, should have had knowledge of the event.
- Within ten (10) calendar days of receiving the written grievance, the Investigator shall meet with the grievant, and attempt to resolve the grievance. The Investigator shall provide a written response to the grievant within ten (10) business days of the meeting. If the Investigator's response does not resolve the grievance to the satisfaction of the grievant, he or she may proceed to Step 2 by giving written notice no more than ten (10) days after the Investigator's response is received or due.

STEP 2

All written requests of appeal will be considered by the Town Manager. As necessary, consultation will be sought from an expert in the specific disability area related to the complaint in question. Following the Manager's review of the written appeal, a hearing will take place in which the grievant may present the specifics of the grievance and the desired relief. Notice of the public hearing will be posted and the proceedings of the hearing shall be open to the public. The Manager shall issue a written decision within forty-five (45) calendar days of being notified of the appeal. All proceedings shall be recorded and maintained. If the complaint still has not been resolved to the satisfaction of the grievant, he or she may proceed to Step 3 by giving written notice no more than ten (10) calendar days after the Manager's written decision is received or due.

STEP 3:

Step 3 appeals will be considered by the Board of Selectmen in a public hearing. All notices and records required in Step 2 shall also be required in Step 3. The Board may solicit A written determination must be made within thirty (30) days of the public hearing. All determinations of the Board of Selectmen shall be final.

- d) **Records** – Record of proceedings and action taken on each request or complaint will be maintained at each level of the grievance process.
- e) **Reprisal** – Reprisal against any grievant or witness is prohibited.

EMPLOYEE IDENTIFICATION

26.1 Except as noted below, all town employees shall be issued a town employee identification card. Employees shall carry such identification at all times during working hours. When town employees are required by their duties to enter into private homes or onto other private property they shall display their identification on a lanyard or by some other means.

26.2 The identification shall consist of a laminated plastic card measuring approximately 2 1/8" by 3 1/2", and shall incorporate such anti-tampering security devices, if any, as are deemed appropriate by the Town Administrator. The identification card shall also include the following items:

- 29.2.1 The Town seal.
- 29.2.2 The phrase "TOWN OF UXBRIDGE EMPLOYEE IDENTIFICATION".
- 29.2.3 A full face photograph of the employee.
- 29.2.4 The employee's title or job classification.
- 29.2.5 The employee's department, if not obvious from the title or job classification.
- 29.2.6 The employee's signature.

26.3 Town employee identification cards shall remain the property of the town and shall be surrendered by the employee upon termination of employment.

26.4 Expiration:

- 29.4.1 Employee identification issued to permanent employees shall have no fixed expiration date and shall be replaced only as required.
- 29.4.2 Employee identification issued to temporary or seasonal employees shall contain the words "expires on" and a date. Such date shall be the earlier of a) the expected date of termination of employment, or b) one year from the date that the identification is issued.

26.5 Exemptions:

- 29.5.1 Employee identification, if any, issued to employees of the school department shall be at the sole discretion of the school committee.
- 29.5.2 Employee or other identification issued to police and fire personnel shall be at the sole discretion of the chief of that department. Such identification shall conform to all state and federal statutes and guidelines.

CLASSIFICATION PLAN

27.1 COVERAGE. All regular full-time and part-time employees.

27.2 POLICY. The policy of the Town is to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job, so the schedule of compensation may be applied to each class ensuring equal pay for equal work.

27.3 CONTENTS. The Classification Plan shall consist of the following:

a) **POSITION DESCRIPTIONS.** Position descriptions for positions which are similar in duties, degree of difficulty and level of responsibility so that each position in the class can:

- 1) be given the same job title;
- 2) requires essentially the same training and experience;
- 3) can be filled by essentially the same methods of selection; and
- 4) is of the same relative value and therefore deserving of the same range of compensation.

Each position shall have a written description. The description shall consist of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience, and necessary special qualifications. Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed, and do not necessarily include all of the duties performed. Position descriptions are not intended to be restrictive. Qualification statements in each position description establish desirable minimum requirements that should be met by a person before appointment, transfer, or promotion to a position in the class.

b) **POSITION TITLES.** The title of each class of position shall be the official title of every position allocated to the class, and shall be used for administrative purposes such as payroll, budget, financial and personnel forms and records. No person shall be appointed or promoted to any position in the Town under a title not included in the Classification Plan.

27.4 ADMINISTRATION. The Town Manager shall have responsibility for the administration of the Classification Plan and shall be authorized to:

- a) review positions and make allocations to existing classes, establish a new classes of positions, or delete a class of positions;
- b) provide for studies of existing positions when there has been a substantial change in their duties and responsibilities which justify consideration of possible reallocation.

27.5 CLASSIFICATION OF POSITIONS. Appointing authorities proposing the creation of new positions shall provide the Town Manager with a description of the duties, skills, knowledge, abilities, and other work performance requirements of the proposed position in sufficient detail to enable the Manager to properly classify the position. When a position has changed substantially as to the kind and/or level of work, an appointing authority may initiate a request for a change in classification by submitting a written request to the Manager accompanied by a position description questionnaire. The appointing authority shall document any changes in the position in terms of its duties and responsibilities and present this evidence for review. The Town Manager shall review the request for reclassification and adjust the classification plan as necessary.

COMPENSATION SYSTEM

28.1 POLICY. The Town Manager shall be responsible for the maintenance of a uniform and equitable pay plan which shall consist, for each grade of positions, of minimum and maximum rates of pay and such intermediate increment steps as are deemed appropriate. Insofar as it may be practical, the Town Manager shall prepare a schedule of revisions to the compensation plan, whether negotiated or otherwise, for employees who are not members of bargaining units and present said schedules to the Board of Selectmen for their review on an annual basis. Annual adjustments will be made based on factors such as available funding, overall cost of living in the region, and parity with unionized bargaining units.

28.2 MAINTENANCE OF THE PLAN. The Town Manager shall on a regular basis prepare, or cause to be prepared, an analysis of prevailing rates of pay for comparable public employment in the area and at large, taking into consideration cost of living factors, budget effects of various alternative pay plans, and other factors which may be pertinent in recommending changes in the plan. The Town Manager shall include the summary findings of his analysis in the form of a report which shall be presented to the Board of Selectmen, the Finance Committee, and the Personnel Board.

28.3 PAY ADMINISTRATION AND APPOINTMENT RATES. An employee appointed to a position should normally be compensated at the minimum rate of pay assigned to the grade to which the position is assigned; however, subject to the approval of the Appointing Authority and the Town Manager, original employment at a salary above the minimum step may be made upon written certification by both the Appointing Authority and the Town Manager that such action is justified by either the lack of qualified applicants at the lower rate, or the exceptional qualifications or experience of the prospective appointee.

28.4 STEP INCREASES. Step increases within an established range are **not automatic** but require certification by the immediate supervisor that the employee's performance warrants such an increase, as demonstrated in the performance appraisal system. All employees in an approved position shall be evaluated yearly. An annual evaluation shall be due in June of each year for Department Heads and Management. **Step increases for management-level employees are to take place only on July 1 of each year.** The following factors shall not affect eligibility for a step increase:

- a) overall pay adjustments resulting from any pay survey.
- b) transfers within grade providing supervisory responsibility remains intact.
- c) a period of paid leave.

The denial of a step increase may not always connote less than satisfactory service of an employee. The highest steps on the classification plan will be awarded only when an employee's skills and performance are judged to be exceptional relative to others, both inside and outside the employ of the Town, in similar positions. If funding is not available, step increases may also be denied. In each case the employee's eligibility for future increases shall remain unchanged.

28.5 PROMOTION. Upon promotion, the employee's salary shall be set at the rate of the next higher grade which provides the smallest increase in pay.

28.6 DEMOTION. When an employee is demoted to a lower grade, his/her salary shall be set at:

- a) the rate in the lower grade which provides the smallest decrease in pay if the action is not for cause; or
- b) any appropriate rate, as determined by the appointing authority, in the lower grade which is less than the existing salary if the action is for cause.

28.7 TRANSFER. When an employee is transferred from a position in one grade to a position in another grade which does not have an equal step increment, the employee shall be placed in the step increment which most nearly approximates his earlier step rate provided that it does not result in pay decrease.

SPONSOR: Town Manager

COMMENTARY: *The Town Manager put this proposed bylaw forward in order to provide a vehicle for uniform and equitable treatment of Town employees. Upon discussion with the Board of Selectmen and the Finance Committee, the Manager will implement this as a policy that is approved by the Board of Selectmen. A basic personnel bylaw will be put forward at the Spring Annual Town Meeting.*

MOTION: No Motion

RECOMMENDATION OF THE BOARD OF SELECTMEN: Pass Over (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Pass Over; A policy will be implemented

VOTE NEEDED: Requires a 2/3rds vote

No Motion. No Action taken on Article 10

ARTICLE 11: CHARTER AMENDMENT; REFFERAL OF WARRANT ARTICLES

To see if the Town will vote to amend the Uxbridge Home Rule Charter, Article 2, Section 7, (b) as written below:

(b) Referral - Forthwith following the receipt of any petition containing a proposed warrant article, the Board of Selectmen shall cause a copy of the proposal to be emailed to the chair of the Finance Committee if an email address is on file in the Board of Selectmen's office and sent by U.S. Mail to the chair if he/she does not have an email address. The chair of the Finance Committee shall notify the Board of Selectmen's office of receipt of the proposed article. In addition a copy of the proposed article shall be posted on the Town Bulletin Board, and the Board of Selectmen shall cause such other distribution to be made of each such proposal as may be required by law or bylaw.

SPONSOR: Finance Committee

COMMENTARY: *The present system of sending notification by registered mail is inefficient. The change in the Charter allows for quicker communication and saves money on mailing to members.*

MOTION: *I move, and the Finance Committee recommends, to amend the Uxbridge Home Rule Charter, Article 2, Section 7 (b), as printed in the warrant, and that, the effective date of the amendment be July 1, 2010, assuming approval of the proposed amendment by the voters at the next available election.*

RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable Action (3-2-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (5-0-0)

VOTE NEEDED: Requires a 2/3rds vote (M.G.L. c. 43B, §10(a)).

The motion is seconded

Moderator declares 2/3rds majority, motion carries

ARTICLE 12: STREET ACCEPTANCE-ARBOR ROAD

Accept as public way the street known as Arbor Road as laid out by the Board of Selectmen, in the name and behalf of the Town, to acquire by gift easements and appurtenant rights in and for said way for the purposes for which other public ways are used in the Town; or to take any other action relating thereto.

SPONSOR: Citizen's Petition

PETITIONER'S MOTION: *Move that Arbor Road is to be accepted in its entirety referencing a plan entitled "Arbor Estates, Arbor Road - Road Acceptance Plan" prepared by Andrews Survey & Engineering, Inc., dated November 2, 2009, stamped by John R. Andrews, III.*

PLANNING BOARD REPORT: Favorable Action; subject to DPW and the Town Engineer's final inspection reports (4-0-1)

RECOMMENDATION OF THE BOARD OF SELECTMEN: Final engineering report not available by the deadline for sending the warrant to the printer. Recommendation to be provided at Town Meeting

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation without prejudice for the acceptance of the street. The work of other Boards was not complete when the Finance Committee was required to make recommendations and positive action is required to be completed by others.

VOTE NEEDED: Requires a simple majority. (M.G.L. c.83, §23)

The motion is seconded

Moderator declares majority, motion carries

ARTICLE 13: STREET ACCEPTANCE-DUNNY COVE LANE AND CONNOR PASS

Accept as public ways the streets known as Dunny Cove Lane and Connor Pass as laid out by the Board of Selectmen, in the name and behalf of the Town, to acquire by gift easements and appurtenant rights in and for said way for the purposes for which other public ways are used in the Town; or to take any other action relating thereto.

SPONSOR: Citizen's Petition

PETITIONER'S MOTION: *Move that Dunny Cove Lane and Connor Pass are to be accepted in their entirety referencing a plan entitled "Roadway Acceptance for Edgewater Place in Uxbridge, MA" prepared by Yerka Engineering, LLC, dated January 23, 2009, revised September 14, 2009, stamped by David Greenhalgh.*

PLANNING BOARD REPORT: Favorable Action; subject to DPW and the Town Engineer's final inspection reports (4-0-1)

RECOMMENDATION OF THE BOARD OF SELECTMEN: Final engineering report not available by the deadline for sending the warrant to the printer. Recommendation to be provided at Town Meeting

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation without prejudice for the acceptance of the streets. The work of other Boards was not complete when the Finance Committee was required to make recommendations and positive action is required to be completed by others.

VOTE NEEDED: Requires a simple majority. (M.G.L. c.83, §23)

The motion is seconded

Motion carried in the affirmative by a unanimous vote.

ARTICLE 14: FUNDING REQUEST FOR THE PURCHASE OF OUTFITTING AND REFURBISHING POLICE VEHICLES

To see if the town will vote to raise and appropriate or transfer from available funds, a sum of money for the purchase of outfitting and refurbishing police vehicles or take any other action relating thereto.

SPONSOR: Police

COMMENTARY: *This article seeks funding from the Stabilization fund to purchase two new police vehicles; a Ford Crown Victoria Police Interceptor unit, and a Ford F-150 4 wheel drive crew cab with accessories. A new patrol car is needed; as funding for cruiser replacement has not been available for the past several years. The 4 wheel drive unit should be considered a capital equipment purchase; as it will*

not be a daily use vehicle; but it will be used to move police equipment from site to site, as well as being available to access more rugged terrain. Funding is also being sought to restore two existing units to extend their useful life.

MOTION: *Move that the Town vote to transfer and appropriate the sum of \$62,955 from Stabilization Fund 2500 to the Police Cruiser Acquisition and restoration account (0200-210-5800-0000-0000-0000-0-0) for the purchase of two new police vehicles and the restoration of two existing vehicles.*

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0) The Finance Committee supports the Financial Policy adopted last year which states that operating costs should not be funded from the Stabilization Account. However, we reluctantly endorse the funding of this article from the Stabilization Account due to the dire need of the Police Department to replenish rolling stock. Replacement vehicles have been removed from the operating budget for the last two years and the Finance Committee strongly suggests that they be included in future budgets. These vehicles put on thousands and thousands of hard miles in the service of the Town to help insure public safety.

VOTE NEEDED: Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote.

The motion is seconded

Moderator declares 2/3rds majority, motion carries

ARTICLE 15: FUNDING REQUEST FOR ANIMAL CONTROL SALARY AND EXPENSE

To raise and appropriate or transfer from available funds a sum of money to put in the Animal Control salary and expense accounts and other accounts needed to implement an addition of Blackstone in the Regional Animal Control Department.

SPONSOR: Police

COMMENTARY: *The Town currently serves as host to a regional animal control service that includes Douglas and Mendon. Negotiations were taking place with the Town of Blackstone to expand the service, which would have required an additional appropriation. Blackstone has since decided to withdraw from participation, so this article is no longer necessary.*

MOTION: No Motion

RECOMMENDATION OF THE BOARD OF SELECTMEN: Pass Over (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Pass over; The Town of Blackstone has decided to withdraw from the regionalization plan for the Animal Control Officer.

VOTE NEEDED: Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote.

No Motion. No Action taken on Article 15

ARTICLE 16: FUNDING REQUEST TO PURCHASE OF A NEW SEWER JET CLEANER

To see if the Town will vote to appropriate an amount of monies, for the purpose of purchasing a new sewer jet cleaner and equipment related thereto; and to meet this appropriation, the Treasurer is authorized, with the approval of the Board of Selectmen, to borrow under Chapter 44 of Massachusetts General laws, or other enabling legislation, or take any action relative thereto.

SPONSOR: Sewer/DPW

COMMENTARY: *This request originally anticipated a potential borrowing for a piece of equipment that would be of great assistance to the Sewer Department. This device is used to remove blockages in the sewer lines that impedes sewer flow and in some cases can lead to discharge. It was decided to modify the request to a transfer from retained earnings after a larger than expected certification.*

MOTION: *Move that the Town vote to transfer and appropriate the sum of \$184,000 from Sewer Enterprise retained earnings to the Sewer Enterprise capital acquisitions account (6520-440-5800-0000-0000-0000-8-0000-0-) for the purpose of purchasing a new Sewer Jet Cleaner.*

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (7-0-0) After Sewer Enterprise retained earnings were certified there are sufficient funds available to purchase the equipment. It will be used as a preventative maintenance tool as well as a tool to remove blockages. This action will prevent any borrowing or increase in sewer bills for the rate payer.

VOTE NEEDED: Requires a simple majority.

The motion is seconded

Moderator declares majority, motion carries

ARTICLE 17: STREET ACCEPTANCE-CROWN AND EAGLE ROAD

To see if the Town will accept as public way the street known as Crown and Eagle Road as laid out by the Board of Selectmen, in the name and behalf of the Town, to acquire by fee simple and appurtenant rights in and for said way for the purposes for which other public ways are used in the Town; or to take any other action relating thereto.

SPONSOR: Board of Selectmen

PETITIONER'S MOTION: *Move that Crown and Eagle Road is to be accepted in its entirety referencing a plan entitled "Uxbridge Housing Associates, Inc., Crown and Eagle Road - Road Acceptance Plan" prepared by Andrews Survey & Engineering, Inc., dated November 3, 2009, stamped by John R. Andrews, III.*

PLANNING BOARD REPORT: Favorable Action; Deemed complete by the DPW and the Town Engineer (5-0-0)

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation without prejudice for the acceptance of the street. The work of other Boards was not complete when the Finance Committee was required to make recommendations and positive action is required to be completed by others.

VOTE NEEDED: Requires a simple majority. (M.G.L. c.83, §23)

The motion is seconded

Motion carried in the affirmative by a unanimous vote.

ARTICLE 18: REPOINTING THE BRICKWORK OF THE UXBRIDGE LIBRARY

To see if the Town will vote to raise and appropriate and/or transfer from the "School/Town Maintenance account", "Free Cash account", "Reserve Fund account", or other available funds or otherwise provide a sum or sums of money for the purpose of repointing the brickwork of the Uxbridge Free Public Library or take any action relating thereto.

SPONSOR: Submitted by the Board of Trustees of the Uxbridge Public Library

COMMENTARY: *This work has been needed for 10 plus years, funding was approved at Spring 2008 Annual Town Meeting, funding was revoked as the job was going out to bid. This project is necessary to ensure the integrity of this historic town building. The Town of Uxbridge agreed to the upkeep and maintenance of the Library when it accepted the gift of the building in 1893. In late September, the Town put the project out to bid to determine its true cost. The lowest qualified responder submitted a bid of \$34,900 for the project, a price which was significantly less than was anticipated. It is agreed that the warrant article will be withdrawn, and a sum of \$40,000 will be encumbered in the School/Town Building Maintenance Fund for this project.*

MOTION: No Motion

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-1); This repair should be funded from the School/Town Building Maintenance Account.

VOTE NEEDED: Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote.

No Motion. No Action taken on Article 18

ARTICLE 19: STREET ACCEPTANCE-EASY STREET

To see if the Town will accept as public way the street known as Easy Street as laid out by the Board of Selectmen, and further authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; or take any other action relating thereto.

SPONSOR: Citizen's Petition

PETITIONER'S MOTION: *Move that Easy Street is to be accepted in its entirety referencing a plan entitled "The Pasture at Elmwood Farm, Easy Street – Road Acceptance Plan" prepared by Andrews Survey & Engineering, Inc., dated August 20, 2009, stamped by John R. Andrews, III.*

PLANNING BOARD REPORT: Favorable Action; subject to DPW and the Town Engineer's final inspection reports (4-0-0)

RECOMMENDATION OF THE BOARD OF SELECTMEN: Final engineering report not available by the deadline for sending the warrant to the printer. Recommendation to be provided at Town Meeting

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation without prejudice for the acceptance of the street. The work of other Boards was not complete when the Finance Committee was required to make recommendations and positive action is required to be completed by others.

VOTE NEEDED: Requires a simple majority. (M.G.L. c.83, §23)

The motion is seconded

Moderator declares majority, motion carries

ARTICLE 20: STREET ACCEPTANCE-BUTTERMILK WAY

To see if the Town will accept as public way the street known as Buttermilk Way as laid out by the Board of Selectmen, and further authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; or take any other action relating thereto.

SPONSOR: Citizen's Petition

MOTION: MOTION, IF ANY, TO BE PROVIDED BY THE PETITIONER

PLANNING BOARD REPORT: Unfavorable Action (4-0-0)

RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Pass over. The Finance Committee has been led to believe that the street was not built as designed and will need to be reworked. If that is not the case, no recommendation without prejudice for the acceptance of the street. The work of other Boards was not complete when the Finance Committee was required to make recommendations and positive action is required to be completed by others.

VOTE NEEDED: Requires a simple majority. (M.G.L. c.83, §23)

No Motion. No Action taken on Article 20

ARTICLE 21: AMEND SECTION 400-39 BERNAT MILL HISTORIC OVERLAY DISTRICT

Amend Section 400-39 Bernat Mill Historic Overlay District Subsection C of the Town of Uxbridge Zoning By-Laws by adding the following additional uses; 7. Hospitals, medical institutions, and medical office buildings.

SPONSOR: Citizen's Petition

PETITIONER'S MOTION: *Move that the Town vote to amend Section 400-39, Bernat Mill Historic Overlay District, Subsection C of the Town of Uxbridge Zoning By-Laws by adding the following additional uses;*

7. Hospitals, medical institutions and medical office buildings

PLANNING BOARD REPORT: Favorable Action (5-0-0) As Amended

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (4-0-1)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (5-0-0)

VOTE NEEDED: 2/3rd's majority (M.G.L. c.40, §14)

The motion is seconded

Moderator declares 2/3rds majority, motion carries

ARTICLE 22: AMEND BOARD OF HEALTH REGULATIONS AND ZONING BYLAWS

Amend the Town of Uxbridge Board of Health Regulations and Bylaws by adding Life Science Technology guidelines as described below. Also to see if the Town will vote to amend the Table of Use Regulations of the Zoning Bylaw, Appendix A by adding Life Science Technology to be an allowed use in the Industrial and Business Zones. See below.

Life Science Technology

- (a) NIH Guidelines. Life Science Technology in the Town of Uxbridge shall be undertaken only in strict conformity with all applicable provisions of the Town of Uxbridge Bylaws, and the guidelines of the National Institute of Health (NIH), as set forth in the Federal Register of May 7, 1986, or any amendment thereof, or as may be established from time to time by the NIH, by any other federal agency or by an Act of Congress, and in conformity also with such other health regulations as the Board of health of the Town of Uxbridge may from time to time promulgate; provided however, that no change in the Town health regulations shall apply to work in progress or previously contracted for by an institution unless the board of Health shall first hold a public hearing on such change giving written notice to institutions in Uxbridge carrying out Life Science technology work, and by advertisement in a newspaper of general circulation within the city at least once 10 days in advance.
- (b) Manual. Individuals, associations, organization, corporations, educational institutions or medical facilities (all hereinafter referred to as "institutions") proposing Life Science Technology, as defined and regulated by the NIH guidelines, shall prepare a manual, which contains all procedures included in the NIH guidelines, to regulate said uses at all levels of containment in use at the institution. Training in appropriate safeguards and procedures for minimizing potential accidents shall be mandatory for all laboratory personnel. Said manual, and all amendments thereto, shall be submitted in a timely manner to the Town of Uxbridge Board of Health.
- (c) Permits. Life Science Technology in the Town of Uxbridge shall be undertaken only in the following zoning districts; Industrial and Business zones. No institution may employ Life Science Technology in the Town of Uxbridge without a permit from the Town of Uxbridge Board of Health.

SPONSOR: Citizen's Petition

PETITIONER'S MOTION:

Move that the Town vote to adopt Life Science and Life Science Technology

- (a) *Life Science Technology in the Town of Uxbridge shall be undertaken only in the following zoning districts; Industrial and Business zones. No institution may employ Life Science Technology in the Town of Uxbridge without a permit from the Town of Uxbridge Board of Health.*

PLANNING BOARD REPORT: Favorable Action as amended (5-0-0)

RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable Action (5-0-0); The Town meeting does not have the authority to amend Board of Health regulations. It is also unclear how the Zoning bylaws are to be amended.

VOTE NEEDED: 2/3rds vote (MGL 40A Section 5)

No Motion. No Action taken on Article 22

ARTICLE 23: EMINENT DOMAIN-IRONSTONE BRIDGE

To see if the Town will vote authorize the Board of Selectmen to acquire, either by purchase, donation or eminent domain, any real estate or interest in real estate, including temporary or permanent easements, necessary for access to, and the construction, reconstruction, and maintenance of, the Ironstone Bridge on River Street in Uxbridge, Massachusetts.

SPONSOR: Board of Selectmen

COMMENTARY: *The bridge over the Ironstone Brook has been slated for replacement by the Massachusetts Highway Department. Mass Highway has requested that the Town obtain any necessary easements to facilitate this project. Passage of this article allows the Board of Selectmen to obtain any rights-of-way or easements necessary to complete this project, which is required for all federally funded projects. This authorization does not constitute an appropriation of funds. An article for funding, if required, will be included on the warrant for a future town meeting. It is currently anticipated that only temporary control easements will be required.*

MOTION: *Move that the article be accepted as written*

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (5-0-0)

VOTE NEEDED: 2/3rd's majority (M.G.L. c.40, §14)

A motion was made to revise the motion from River Street to River Road

Motion to amend seconded

Motion carried in the affirmative by a unanimous vote.

ARTICLE 24: AMEND THE ZONING BYLAWS

Amend the Zoning bylaws to add the following: (1) in zones R-A, R-B, R-C the "retreat lots" shall at a minimum have twice.

Article VIII

Subsection 400. xxx Retreat lots.

For the purpose of creating reasonable use of backland for residential uses, there may be established so-called retreat lots, pork chop lots of hammer head lots, the building upon which may be authorized by the issuance of a special permit by the Zoning Board of Appeals as special permit granting authority, subject to the following requirements:

- A. Said lot shall be entirely within a residential zoning district (R-A, R-B, R-C and the Agricultural Zone).
- B. Said lot has a minimum street frontage of not less than 40 feet and a width of not less than 40 feet at all points between the street and the nearest part of the principal building.
- C. The area of said lot to be at least twice the minimum lot size as would be required.
- D. Said lot shall otherwise be in compliance with all requirements of the Zoning Bylaws applicable to the zoning district in which said lot is located.
- E. Said lot shall not have contiguous frontage with any other lot which has been granted a special permit pursuant to this section.

- F. At the time of the application for a special permit is submitted, all other lots contiguous to said lot shall conform to the requirements of the zoning district in which it is located. Contiguous lots that were created prior to the establishment in Zoning in the Town of Uxbridge do not apply.
- G. No permit shall be issued, pursuant to this chapter, unless said lot is situated on a public way accepted by the Town of Uxbridge.
- H. Said lot shall be in harmony with the general purpose and intent of the Zoning Bylaws of the Town of Uxbridge.

SPONSOR: Citizen's Petition

PETITIONER'S MOTION: *Move that the Town vote to adopt the following amendment to the Zoning Bylaw § 400. 32 Retreat lots as amended;*

For the purpose of creating reasonable use of backland for residential uses, there may be established so-called retreat lots, pork chop lots of hammer head lots, the building upon which may be authorized by the issuance of a special permit by the Planning Board as the special permit granting authority, subject to the following requirements:

- A. *Said lot shall be entirely within a residential zoning district (R-A, R-B, R-C and the Agricultural Zone).*
- B. *Said lot has a minimum street frontage of not less than 40 feet and a width of not less than 40 feet at all points between the street and the nearest part of the principal building.*
- C. *The area of said lot to be at least twice the minimum lot size as would be required.*
- D. *Said lot shall otherwise be in compliance with all requirements of the Zoning Bylaws applicable to the zoning district in which said lot is located.*
- E. *Said lot shall not have contiguous frontage with any other lot which has been granted a special permit pursuant to this section.*
- F. *At the time the application for a special permit is submitted, all other lots contiguous to said lot shall conform to the requirements of the zoning district in which it is located. Contiguous lots that were created prior to the establishment of Zoning in the Town of Uxbridge do not apply.*
- G. *No permit shall be issued, pursuant to this chapter, unless said lot is situated on a public way accepted by the Town of Uxbridge.*
- H. *Said lot shall be in harmony with the general purpose and intent of the Zoning Bylaws of the Town of Uxbridge.*
- I. *Retreat lots shall only be used for single family homes*

PLANNING BOARD REPORT: Favorable Action (3-2-0) As Amended

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable Action (4-3-0); This is a citizen's petition and may not be changed except on Town Meeting floor, but the first sentence under the title is incomplete.

VOTE NEEDED: 2/3rds vote (MGL 40A Section 5)

The motion was seconded

Motion failed

ARTICLE 25: AMEND ARTICLE 3 OF THE UXBRIDGE HOME RULE CHARTER

Amend Article 3 of the Uxbridge Home Rule Charter by adding to Article 3 Elected Officers, Section 1: in general, (b) other officers filled at Town Elections – after Finance committee “three members of a Board of Assessors” and then continue the original text. Add to Article 3 of the Uxbridge Home Rule Charter Section (number to be determined by the Town Clerk): Board of Assessors, (a) composition term

of office – these shall be a Board of Assessors consisting of three members (3) elected for terms of three years each arranged so that the term of one member shall expire each year (b) powers and duties as outlined by general law of Massachusetts, Chapter 59 Section 21. The elected Board of Assessors shall have oversight of the assessor appointed by the Town Manager pursuant to Article 8 Transition Provisions, Section 5 of the Uxbridge Home Rule Charter.

SPONSOR: Citizen's Petition

MOTION: MOTION, IF ANY, TO BE PROVIDED BY THE PETITIONER

RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable Action (5-0-0)

VOTE NEEDED: Requires a 2/3rds vote (M.G.L. c. 43B, §10(a)).

No Motion. No Action taken on Article 25

ARTICLE 26: AMEND THE ZONING BYLAWS, SECTIONS IX, SECTION 400-B, SECTION 400-50A, SECTION 400-50E, ARTICLE X DEFINITIONS AND REVISE APPENDIX A TABLE OF USE REGULATIONS

To see if the Town will vote to amend the Zoning By-Laws of November 2008 as follows:

- 1) Change Article IX, Section 400-B Powers to read: "The Board of Appeals Powers are as follows:
 - a. to hear and decide appeals to zoning decisions;
 - b. to hear and decide petitions for variances
 - c. to hear and decide appeals from decisions of the Planning Board or Building Inspector
- 2) Change Article IX, Section 400-50A Special Permit Granting Authority to read "Unless specifically designated otherwise, the Planning Board shall act as the Special Permit Granting Authority".
- 3) Change Article IX, Section 400-50E Plans by deleting the first paragraph and substituting "Projects on sites that are 45,000 square feet or less may be submitted as simple schematics unless there are clear complicating factors that require formal engineering design work. In cases where the site exceeds 45,000 square feet the Special Permit Granting Authority may require plans on 24-inch by 36-inch sheets prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect as appropriate. Dimensions and scales shall be adequate to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1" to 20'.
- 4) Change Article X Definitions, by adding the following definitions in their appropriate alphabetical order as the section is now organized:

Business Use: any wholesale or retail store, personal service establishments

Industrial Use: Any lawful retail trade or shop for custom work or manufacture including any manufacturing, processing operation, assembly, or warehousing which is not detrimental to the community or neighborhood by reason of the emission of dust, odors, gas, smoke, vibrations, noise, light, or other environmental contaminants.
- 5) Revise Appendix A Table of Use Regulations as follows:

Appendix A Table of Use Regulations

USE	DISTRICTS					
	R-A	R-B	R-C	A	B	I
<u>A. Residential Uses</u>						
Apartment house	Y	N	N	N	N	N
Conservation design development	N	N	N	PB	N	N
Open space development	PB	PB	N	N	N	N
Single-family dwelling	Y	Y	Y	Y	N	N
Townhouse development	PB	N	N	N	N	N
Two-family/duplex dwelling	Y	Y	N	N	N	N
<u>B. Exempt and Institutional Uses</u>						
Child care facility	ZBA	ZBA	ZBA	Y	Y	Y
Educational use, nonexempt	ZBA	ZBA	ZBA	N	N	N
Essential services	Y	Y	Y	Y	Y	Y
Facility for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	Y
Hospital or other medical institution	ZBA	ZBA	ZBA	N	PB	PB
Municipal facility	Y	Y	Y	Y	Y	Y
Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five (5) acres in area	Y	Y	Y	Y	Y	Y
Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y
Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y
<u>C. Agricultural Uses</u>						
Farm, truck garden, nursery or greenhouse with less than five (5) acres	ZBA	ZBA	ZBA	Y	N	N
Nonexempt agricultural use	ZBA	ZBA	N	Y	N	N

D. Commercial Uses

Adult entertainment establishment	N	N	N	N	N	PB
Airport or landing field, commercial	N	N	N	N	N	N
Animal clinic or hospital; kennel	N	N	N	Y	N	PB
Bank, financial agency	N	N	N	N	Y	Y
Bed and breakfast establishment	ZBA	ZBA	N	ZBA	N	N
Billboards, including any sign of more than forty (40) square feet	N	N	N	N	N	N
Boarding house	ZBA	N	N	N	N	N
Business or professional office, including medical	N	N	N	N	Y	Y
Commercial recreation, indoor	N	N	N	N	Y	Y
Commercial recreation, outdoor	N	N	N	Y	N	N
Commercial Stable/Riding school	N	N	N	Y	N	PB
Funeral home	ZBA	ZBA	ZBA	N	N	N
Garaging and maintaining more than three (3) automobiles of the passenger type	ZBA	N	ZBA	N	PB	PB
Gasoline or oil filling station	N	N	N	N	PB	PB
Hotel or motel located on a tract of land at least two (2) acres in area and at least 150 feet from any permanent residential building	N	N	N	Y	Y	Y
Laundry or laundromat; dry cleaning establishment	N	N	N	N	PB	PB
Nursing or convalescent home; home for the aged	ZBA	ZBA	ZBA	PB	PB	PB
Personal service establishment	N	N	N	N	Y	Y
Private club, nonprofit	ZBA	ZBA	N	PB	PB	PB
Private stable, nonprofit, for not more than 2 horses	Y	Y	Y	Y	N	N
Racetrack	N	N	N	N	N	N
Restaurant; diner	N	N	N	Y	Y	Y
Retail stores and/or services	N	N	N	N	Y	Y
Shopping center	N	N	N	N	Y	Y

E. Industrial Uses

Retail Trade Operations	ZBA	ZBA	ZBA	ZBA	PB	PB
Manufacturing, Processing, Assembly	N	N	N	N	ZBA	PB
Earth removal	ZBA	ZBA	ZBA	BI	N	N
Electrical generating facilities with a capacity of 350 megawatts or less on a minimum site area of 15 acres using natural gas, renewable and ultra low sulfur fuels, wind or solar energy <i>(added 11/08)</i>	N	N	N	N	N	PB
Electrical generating facility; cogeneration facility	N	N	N	N	N	N
Junkyard or automobile graveyard	N	N	N	N	N	N
Warehousing	N	N	N	ZBA	PB	PB
Lumber, fuel or ice establishment	N	N	N	N	PB	PB

Manufacture, storage, transportation or disposal of hazardous material	N	N	N	N	N	N
Stone mason yard	N	N	N	PB	PB	PB

F. Other Uses

Airport or landing field, noncommercial	N	N	N	Y	N	N
Cemetery or crematory, nonprofit	ZBA	ZBA	ZBA	ZBA	N	N
Penitentiary	N	N	N	N	N	N

F. Accessory Uses

Home occupation	Y	Y	Y	Y	N	N
The preparation and or sale of snacks or non alcoholic beverages incidental to or as an accessory use to a permitted activity.	Y	Y	Y	Y	Y	Y
Retail trade or shop for manufacturing articles incidental to and as an accessory use to a retail business	ZBA	ZBA	ZBA	ZBA	Y	Y
Drive-up windows accessory to retail operation	N	N	N	N	PB	PB

Key: Y = Permitted, N = Not permitted, ZBA = Permitted by special permit from the Board of Appeals, PB = Permitted by special permit from the Planning Board, BI = Permitted following approval by the Building Inspector

SPONSOR: Board of Selectmen

COMMENTARY: *This article seeks to amend the Zoning Bylaws to place the Planning Board as the approving authority and the Zoning Board of Appeals as the avenue for appeal of the Planning Board's decisions.*

MOTION: No Motion

RECOMMENDATION OF THE BOARD OF SELECTMEN: Pass Over (5-0-0)

PLANNING BOARD REPORT: Favorable Action (4-0-0) As Amended

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable Action (6-0-1) This is one of several attempts to patch the Zoning Bylaws after they were codified. It is clear that the product has many shortcomings. The Finance Committee strongly recommends that the Board of Selectmen, as chief executives of the Town, takes up this as a problem and solve it by either personal attention or delegation with time lines and frequent checks on progress.

VOTE NEEDED: 2/3rds vote (MGL 40A Section 5)

No Motion. No Action taken on Article 26

All articles having been acted on, there was a motion to dissolve the 2009 Annual Fall Town Meeting.

The motion was seconded and passed.

The meeting adjourned at 10:05pm.

A true attest,

Kelly J Poulin
Uxbridge Town Clerk

Town meeting dissolved 10:05pm