



Office of the
BOARD OF SELECTMEN
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POLICY #01-2019

BOARD OF SELECTMEN

Purpose: The Town of Townsend strives to create and maintain a positive work environment. The Town stresses courteous and respectful behavior towards your fellow employees and the public. An employee should have a responsible attitude. The following standards will assist in clarifying differences in judgment. These standards simply outline general principles on which employees are expected to base their behavior. The examples are not meant to be all-inclusive. In general, employees can anticipate that actions harmful to another employee or to the Town are cause for disciplinary procedures or possible dismissal. Employees are expected to respect the individual rights and privacy of others.

Policy: Code of Conduct Policy

Application: The Policy applies to all employees of the Town of Townsend. Employees whose employment is governed by a collective bargaining agreement or personal services contract are subject only to those provisions of this Policy not specifically regulated by law or agreement.

A. Confidentiality:

The Town deals with many organizations, state and federal agencies, private businesses and residents/citizens. In many cases, the Town is dealing with issues that are of a confidential and sensitive nature. Town employees are responsible for maintaining this confidentiality at all times with regard to information you are provided or known to you.

B. Professionalism:

Note: To replace Article 9: Standards of Conduct in the Non-Contractual Personnel Policies and Procedures after adherence to Chapter 90-1 of the Town Bylaws which requires an affirmative vote of the elected Boards/Commissions/Officials.

Town employees shall avoid any action that might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting themselves in a manner which in any way discredits the town, public officials or fellow employees.

Employees are expected to conduct themselves professionally internally and with the public. This will enhance respect and confidence in the employee and the town. Employees must not only perform their duties with integrity, but must avoid unprofessional behavior.

C. Conflict of Interest/Ethics:

All employees shall comply with the State Conflict of Interest Law in all respects. Every two years, all current municipal employees must complete online training. New employees must complete this training within 30 days of beginning public service, and every two years thereafter. Upon completing the program, employees should print out the completion certificate and keep a copy for themselves. Employees will be required to provide a copy of the completion certificate to the Town Clerk. In addition:

- 1.) Outside Employment - No employee shall accept outside employment if such outside employment directly interferes with an employee's performance. No employee shall receive or request compensation from, or act as an agent or attorney for anyone other than the municipality in relation to any matter in which the Town is a party or has a direct and substantial interest.
- 2.) Solicitations and Acceptance of Gifts, Gratuities, Fees, Loans, etc. - In accordance with MGL Chapter 268A as it may exist from time to time, or any successor thereto, no Town employee, acting in his/her professional capacity on behalf of the Town, shall solicit or accept any personal gift, gratuity, loan, fee or other thing of value. Employees may accept fees for work done on their own time provided the individual or group engaging the employee has no contractual relationship with the Town. No employee shall solicit any gift or gratuity from another employee.

D. Smoking/Smoke-Free Workplace:

Smoking and vaping have been identified as the single most important detriment to an individual's health. For the smoker, the adverse effects of smoking contribute to a loss of personal health. Smoking may also adversely influence the health of those who are exposed to second-hand smoke.

The Smoke-Free Workplace Law, M.G.L. Ch. 270, §22, mandates that enclosed workplaces with one or more employees must be smoke-free. The state law's intent is to protect workers in enclosed workplaces from secondhand smoke exposure. The full text of the law and additional information is available at www.mass.gov/dph/mtcp. Smoking is prohibited in all enclosed workplaces, including but not limited to all buildings owned, leased, or otherwise occupied by the Town. Smoking is not allowed in Town vehicles.

Individuals who violate the statewide smoking ban may be subject to civil penalties under the law or may be subject to disciplinary action. Please refer to Massachusetts General Laws, Chapter 270, Section 22 for additional details of the ban.

E. Duties:

Employees are expected to perform all duties assigned by their department head or designee regardless of title in a competent and efficient manner, unless deemed to be illegal, unsafe or unethical.

F. Attendance:

Town Hall offices are open Monday through Friday according to the following schedule:

- 9:00am to 4:00pm Monday, Tuesday, Wednesday, Thursday and Friday
- 6:00pm to 8:00pm Tuesday

Regular attendance during all scheduled hours of work, reporting to work on time and continuing to work to the end of the work period is expected of every employee on each scheduled work day. Non-exempt employees (including part-time and seasonal employees) shall record daily hours worked in writing or in electronic format, as may be determined from time to time by policy of the Board of Selectmen. All time records shall be signed for approval by the department head or supervisor before being submitted for payroll processing. Department heads and supervisors shall record all absences, tardiness, compensatory time and early departures. Unapproved absences, tardiness and early departures lacking prior approval from the Department head or supervisor shall be grounds for disciplinary action by the department head or supervisor. Employees shall not be paid for time lost due to unapproved absences, tardiness and early departures for unsatisfactory reasons.

G. Property:

Property belonging to the Town, its customers, vendors or employees shall not be defaced or damaged, nor shall Town equipment or property be used without authorization or for personal matters.

Employees shall be responsible for all personal property brought onto Town premises. It is each employee's responsibility to secure all personal items in accordance with the property's value. Purses and wallets shall be kept with the employee at all times. If this is inconvenient, such items shall be locked in a desk, file cabinet or other similar depository for safe keeping.

H. Workplace Violence:

Violence in the workplace will not be tolerated. For the purposes of this policy, workplace violence is any behavior which is intended (or a reasonable person may perceive is intended) to abuse or injure a person or damage or destroy property in the workplace including, but not limited to bullying, threats, physical, verbal, written or visual attack, or property damage. The following definitions are incorporated to assist employees to more fully understand the nature of the behavior prohibited by this policy. Note, workplace violent behavior is not limited to only these descriptions:

- 1.) **Bullying-** Bullying will not be tolerated in the workplace. Bullying is the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others. The behavior is often repeated and habitual. Bullies often vary their tactics hour to hour, day to day. Bullying includes, but is not limited to, verbal abuse (i.e. shouting, swearing, name calling, malicious sarcasm, threats to safety); behaviors/actions (i.e. public or private that are threatening, intimidating, humiliating, hostile, offensive, inappropriately cruel); abuse of authority (i.e. underserved evaluations, denial of advancement, tarnished reputation, arbitrary instructions, unsafe assignments); interference with work performance (i.e. sabotage, undermining, ensuring failure) or destruction of workplace relationships (i.e. among co-workers, bosses, or customers).
- 2.) **Threat-** expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat, and regardless of whether the threat is contingent, conditional or future.
- 3.) **Physical Attack-** intentional hostile physical contact with another person or an object such as hitting, fighting, pushing, shoving, or throwing.
- 4.) **Verbal Attack-** intentional hostile communication (including recorded messages) with another person such as abusive outbursts, verbal tirades intended to offend, offensive comments, or use of obscene or threatening language.
- 5.) **Written Attack-** the use of printed, electronic or social media, including notes, letters, drawings, pictures, or computerized mail, to threaten, abuse, ridicule, or harass people or to threaten property.
- 6.) **Visual Attack-** the use of bodily gestures that are threatening, obscene, or abusive.
- 7.) **Property Damage-** intentional damage (as a reasonable person may presume by the nature of the damage) to property which includes property owned by the town, employees, or others.

Discipline: Any Employee who violates this Policy shall be subject to appropriate discipline, up to and including termination of employment or removal from his/her position in accordance with the terms of the applicable collective bargaining agreement and/or personnel policy, recall from his/her elected

position, termination of contract or agreement for volunteer or intern services.

The Town prohibits acting against any Employee for reporting a violation of this Policy or for cooperating in an investigation. Any Employee who retaliates against another Employee for reporting a violation of this Policy or for cooperating in an investigation will be subject to disciplinary action, termination of employment or removal from his/her position in accordance with the terms of the applicable collective bargaining agreement and/or personnel policy, recall from his/her elected position, termination of contract or agreement for volunteer or intern services.

Amendments: The Town intends to follow each provision of this policy but reserves the right to change any provision at any time if circumstances warrant or require.

Waiver: A failure to enforce this Policy does not constitute a subsequent waiver of any violation of this Policy.

Governing Law: This Policy shall be read and interpreted in conjunction with all other Town policies and procedures.

Collective Bargaining: This policy is not intended to interfere with employee rights under Massachusetts General Laws Chapter 150E.

APPROVED BY THE TOWNSEND BOARD OF SELECTMEN

FIRST READING: June 20, 2019

FINAL APPROVAL/ADOPTION: July 2, 2019

7/9/19
date Sue Lisio
Sue Lisio, Chairman

Wayne Miller 7/8/19
Wayne Miller, Vice Chairman

Donald E. Klein
Donald Klein, Clerk

