



Policies Acknowledgement Form

Please complete and return to Human Resources Department, Memorial Hall

I acknowledge my responsibility to Read, understand and abide by the contents of the following policies:

Social Media Policy V-62	Initial: _____
Sexual Harassment Policy IV-5(m)	Initial: _____
Workplace Bullying & Offensive Conduct	Initial: _____
Workplace Conduct Policy V-60	Initial: _____
Computer Use Policy VIII-5(m)	Initial: _____
Drug and Alcohol Testing Policy V-20	Initial: _____
Family Medical Leave Act Policy VI-20	Initial: _____
The Pregnant Workers Fairness Act	Initial: _____
Workers' Compensation Injury and LOA VI-25	Initial: _____
American with Disabilities Act Policy IV 10(m)	Initial: _____
Affirmative Action for Equal Employment Opportunity Policy IV 15	Initial: _____

I understand that failure to follow the above policies may result in disciplinary action or termination.

Print Name: _____ Dept.: _____

Sign Name: _____ Date: _____

Purpose: The methods by which people can communicate continue to evolve through various social media applications, smart phones, web based options, and other electronic technology. The Town of Canton recognizes the many opportunities for communication through these tools to the public. The Town encourages the responsible use by its employees, agents, elected and appointed officials, consultants, volunteers and any person conducting business with or on behalf of the Town of Canton social media channels of communication and of private social media channels of communication. Therefore this policy is applicable to all people listed in the preceding sentence. The use of these tools create new responsibilities for Town employees, Boards, and Commissions. The purpose of this policy is to provide guidance to clarify the boundaries between appropriate and inappropriate use of official Town of Canton and private social media accounts and services. Nothing in this policy is intended to restrict an individual's right to discuss, as a private citizen, matters of public concern on private social media sites. Nothing in this policy is intended to restrict an individual's right to engage in concerted activity with co-workers in accordance with the provisions of the Massachusetts General Laws.

Definitions: "Social Media" is:

1. Any website
2. Any Social Networking website (e.g. Twitter, Myspace, Facebook, LinkedIn, Pinterest, Snapchat, YikYak)
3. Multimedia sharing websites (e.g. Flickr, YouTube, Vimeo, Picassa, Shutterfly)
4. Blogs (e.g. Wikipedia, PBwiki, Wikispaces)
5. Forums and discussion boards (e.g. Google Groups, Yahoo! Groups, Yammer)
6. Personally managed websites, blogs, etc.
7. On-line polls and surveys (e.g. Survey Monkey, Doodle)
8. Any other web or application accessible site on which an individual user can post texts, media, etc.

"Official Social Media" is:

Any of the sites or services listed in the definition section of this policy and their affiliated accounts which were established by and through the Town of Canton and are maintained by the Town of Canton, its employees, officials, or board members

Date Approved: November 18, 2014

Revised on:

Issued by: Human Resources

Approved by: Board of Selectmen

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Guidance:

1. Official Social Media sites will be used solely for communicating information about projects and services offered by the Town. Examples include Town/Department announcements, official Town news, Emergency notifications, Town events and activities, or Board or Committee meetings or agendas. Town employees may not engage in private messaging over official Town social media accounts. Official Social Media cannot be used to post political information or viewpoints, religious information or viewpoints, commercial information, information pertaining to an employee's personal activities, matters, or interests, information which consists of content which is sexual, pornographic, or adult in character, or information which advocates or promotes the use of drugs, alcohol, or tobacco.
2. When posting to Social Media sites you should do so in a way that is not defamatory. Defamatory communications are those that cause harm to the reputation of another person or cause that person to be ridiculed, held in contempt, or lowered in the estimation of the community. Defamatory statements will not be tolerated. Defamatory statements are your own responsibility and the Town of Canton will not defend you from the consequences of your personal actions.
3. You may not misrepresent any non-Official Social Media site as a Town of Canton Official Social Media site. The use of the Town's name and/or of the Town Seal are prohibited unless approved by the Town Administrator or his/her designee. Misuse of the Town Seal is a criminal act punishable pursuant to M.G.L c. 268, s.35. You may not post information on a non-Official Social Media site which can be read as indicating that the information is being posted by you in your capacity as a Town employee or official, that it constitutes official information of the Town, or that it represents an official viewpoint of the Town. If in connection with a posting on a non-Official Social Media site you identify yourself as a Town employee or official or it is reasonable to conclude that readers will know that you are a Town employee or official, you must include a statement that your posting is not made on behalf of, and does not represent an official viewpoint of, the Town.
4. You may not use Social Media to post material which is illegal, which is in violation of federal or state laws regarding discrimination, or which constitutes criminal conduct. You may not use Social Media to post material which constitutes an unauthorized disclosure of proprietary or confidential information of the Town, information protected by the Town's attorney-client privilege, information constituting the Town's internal development of a policy, or personnel records or information regarding Town employees or the Town's non-public labor relations information..

5. Any reference requests received through any Social Media site for current or former employees must be directed to the Town's Human Resources Department. Comments which you post about current or former employees can have legal consequences and you should avoid making any such comments at any time which reasonably and foreseeably could have legal consequences.
6. Any posted content on Official Social Media sites that include pictures, photographs, likenesses, or images cannot under any circumstances depict children under the age of 18, and cannot include the complete names of anyone other than Town employees or officials. If you need to post an item that include pictures, photographs, likenesses, or images of another person(s), the individuals who are depicted must first sign a release form which expressly authorizes the Town of Canton to use such image and likeness online. If you do not obtain permission, the picture, photograph, likeness, or image must be blurred in such a manner that the person cannot be identified or recognized. If that is not possible, the material cannot be used at all.
7. You should keep in mind that content posted to Official Social Media sites may constitute public records within the meaning of the Massachusetts Public Records Law and may be obtained by members of the public upon request.
8. You must avoid communications in any posts or online communications which could create a hostile environment for, or where the person reasonably believes they are being harassed by, another Town employee. You must ensure that your postings are consistent with other Town Policies, including but not limited to, those concerning Sexual Harassment, Workplace Bullying and Offensive Conduct, Workplace Conduct Policy, and Code of Ethics.

Official Social Media Accounts:

1. Official Social Media accounts of any type may only be initiated, established, and/or authorized by the Town Administrator, Information Systems Manager, Human Resources Administrator, or their designees.
2. Once authorized, any and all Town Departments and Divisions can establish a social media account. The accounts should be used to promote the department and its functions and in a manner which complies with the applicable requirements of this Policy.
3. All Official Social Media account login information must be compiled and maintained by the Information Systems Manager.

Monitoring: The Town reserves the right to monitor content on all Official Social Media sites and to modify or remove any messages, posting, or images that it deems in its sole discretion and judgment to be abusive, defamatory, violation of copyright, trademark, or other intellectual property rights, or otherwise in violation.

Any post, comment, or remark that contains obscene or sexual language, personal attacks, insults, profane language, racist or discriminating language, or personal or private information will also be removed.

The Town reserves the right to take appropriate disciplinary action for any violation of this Policy on any Official Social Media Site or non-Official Social Media site which comes to its attention.

Procedure: Failure to comply with this policy may lead to disciplinary action Discipline can include, but is not necessarily limited to, a directive to cease the misrepresentation of official Town policy or business, verbal or written warning, suspension (with or without pay), and/or termination.

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Policy: It is the Policy of the Town of Canton to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace, or in other settings in which employees find themselves in connection with their employment of town business, is unlawful and will not be tolerated by the Town of Canton. Retaliation against an individual who has complained about sexual harassment and retaliation against a person for cooperating with an investigation into sexual harassment is unlawful and will not be tolerated by the Town of Canton.

Scope: This policy and procedure is applicable to all Town of Canton employees, agents, elected and appointed officials, consultants, volunteers and any person conducting business with or on behalf of the Town of Canton.

Definitions: The Equal Employment Opportunity Commission (EEOC) has issued guidelines regarding sexual harassment in the workplace. Under these guidelines, sexual harassment will be treated as unlawful sex discrimination in violation of Title VII of the Civil Rights Act of 1964 Sexual Harassment is defined by the EEOC as follows:

"Unwelcome sexual advances or requests for sexual favors or of a sexual nature when: (1) submission of such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; or (2) submission to or rejection of a such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, humiliating or offensive work environment."

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

Examples: Sexual harassing conduct includes, but is not limited to, unwanted sexual advances; requests for sexual favors; repeated sexual innuendo or sexually-oriented verbal abuse; unwanted physical contact such as hugging, patting, stroking, or grabbing body parts; verbal comments of a sexual nature about a person's physical attributes or sexual activity; displaying sexually suggestive objects, pictures or materials; using disparaging, demeaning or sexist terms to refer to employee; vulgar, sexist jokes or "teasing"; making obscene gestures or suggestive/insulting sounds; and following another person; using e-mail, telephone or letters to apply pressure for dates or a social relationship.

Procedure:

1. Communication: Each supervisor is required to communicate to each subordinate the Town's policy against sexual harassment. All employees will receive a copy of the sexual harassment policy annually. Supervisors are also required to report all cases of sexual harassment for investigation to the department head and to the Equal Employment Opportunity Officer.
2. Complaints of Sexual Harassment: Any employee who feels s/he has been sexually harassed has several ways to make his/her concerns known:
 - A. If the employee can comfortably do so, s/he should inform the employee engaging in the harassment that the conduct is offensive and must stop.
 - B. If the employee doesn't wish to communicate directly with the person or if communication hasn't brought results, the employee has the right to file a complaint with the Town. This may be done in writing or orally by contacting, Human Resource Administrator/EEO Officer, Memorial Hall, 801 Washington Street, Canton, MA. 02021 (781) 821-2936. If an employee feels more comfortable initially speaking to his/her supervisor/manager, the employee may do so. The manager receiving the complaint should inform the Human Resource Administrator, who will conduct a prompt investigation.
3. Investigation: When the complaint is received by the EEO officer, an investigation will take place promptly. The investigation will be conducted in a way to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint, with the person alleged to have committed the sexual harassment, and with witnesses. Upon completion of the investigation, if it is determined that inappropriate conduct has occurred, prompt action will take place to eliminate the offending conduct, and where it is appropriate, disciplinary action can take place.
4. Confidentiality: The confidentiality of both the complainant and the individual named in the complaint will be maintained. However, the Town of Canton has a responsibility to investigate charges of sexual harassment, and such investigation includes interviewing the individual charged in the complaint and other witnesses. Therefore, in order to conduct a proper investigation, the officer may disclose the name of the complainant and parties involved to the extent that such disclosure is deemed necessary or appropriate.
5. Disciplinary Action: If it is determined that inappropriate conduct has been committed by an employee, appropriate action will take place. Such action may range from counseling to termination from employment, and may include other such forms of disciplinary action as deemed necessary by the Town of Canton

based on the circumstances, consistent with approved Town of Canton Human Resources policies and collective bargaining protocol.

6. State & Federal Remedies: In addition to above, if an employee believes they have been subjected to sexual harassment, they may file a formal complaint with EEOC or the Massachusetts Commission Against Discrimination (MCAD).
 - A. The United State Equal Employment Opportunity Commission
JF Kennedy Federal Building
Government Center, Room 475
Boston, MA. 02003
(617) 565-3200
 - B. The Massachusetts Commission Against Discrimination

Boston Office: One Ashburton Place Room 601 Boston, MA. 02108 (617) 727-3990	Springfield Office: State Office Building 436 Dwight Street Springfield, MA. 01103 (413) 739-2145
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- Policy:** It is the goal of the Town of Canton to eliminate and prevent any bullying or offensive conduct in the workplace.
- Scope:** This policy and procedure is applicable to all Town of Canton and Canton Public School employees, every officer including all elected and appointed town officers, all members of multiple member bodies, agents, consultants, volunteers and any person conducting business with or on behalf of the Town of Canton.
- Definitions:** Workplace bullying is defined as repeated unreasonably or offensive actions in the workplace that impact the psychological or physical health, safety, or economic security of an employee, or create a risk to the health, safety, or security of an employee.

While it is not possible to list all of the circumstances that may constitute bullying, the following are some examples of conduct that may constitute bullying depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Rudeness and discourteous verbal and non-verbal behaviors or other types of incivility;
- Criticizing employees' work or reminding employees of mistakes in a persistent and unprofessional manner;
- Excessive monitoring;
- Yelling;
- Spreading gossip or lies;
- Ostracizing, ignoring, or excluding workers;
- Blaming an employee without factual justification, or unwarranted or invalid criticism;
- Directing profanity at an employee;
- Insulting employees' habits, attitudes, or private life;
- Humiliating employees or making employees the target of practical jokes;
- Hostile behavior, verbal aggression, or angry exchanges.

Procedure: Managers and supervisors are obligated to implement and enforce this policy.

If an employee believes that his or she has been subjected to bullying or conduct prohibited by this policy, the employee is encouraged to report this matter to any supervisor or manager or to the Human Resource Administrator.

The Town of Canton will not condone any form of retaliation against any employee for making a good faith complaint or report of conduct prohibited by this policy or who assists in the investigation of any such complaint or report.

All complaints of such behavior will be investigated promptly, fairly and completely. In each instance the facts found as a result of such investigation shall determine the response to be made to each particular complaint. Each situation will be handled as discreetly as is possible to protect the "victim" of such behavior. Resolution of complaints can include, but are not necessarily to be limited to a directive to cease the offensive behavior, verbal or written warning, suspension (with or without pay), or termination.

Policy: It is the policy of the Town of Canton to maintain a respectful work and professional public service environment.

Scope: It is to be understood that this policy applies to each and every officer and employee of the Town of Canton, including all elected and appointed town officers and all members of multiple member bodies. The purpose of this policy is to outline expected conduct of all employees. All employees are responsible for ensuring a respectful workplace. Managers are expected to enforce this policy with their respective employees. The Town of Canton prohibits, and will not tolerate harassing, offensive, insubordinate or unprofessional behavior by or towards any employee or officer. It is expected that employees will take pride in being employed with the Town and will conduct themselves in a professional manner in the work place and at all employer sponsored events.

Definitions: The way employees conduct themselves at work, traveling on business on behalf of the Town, and representing the Town on business has a positive or negative effect on co-workers, customers, and ultimately, the Town. Everything we do counts and our reputation is important. By accepting employment with the Town, employees have a responsibility to the Town and to other employees to adhere to certain standards of behavior and conduct. Treat others with the same high standards that you expect from them. Nothing more. Nothing less. These include, but are not limited to:

- Respect for an appropriate use of the employer's property and property of others.
- Maintaining confidentiality – Don't disclose any confidential or personnel information concerning our employees. This includes but is not limited to complaints, medical information, or the results of investigations.
- Respect for co-workers' ideas, suggestions, and opinions – accepting & valuing differences.
- Respect for the customer- all of our customers are entitled to excellent customer service and respectful treatment.
- Professional appearance (e.g. clean and neat clothing and personal grooming) that is appropriate for a business setting.
- Displaying professional conduct and good manners in words and actions.

Date Approved: October 22, 2002

Revised: January 25, 2010

Issued by: Human Resources

Approved by: Board of Selectmen & The School Committee

- Avoiding behaviors and actions that may be offensive to others (e.g. bullying, racial or ethnic slurs, sexually harassing remarks, obscene or abusive language, threats, or physical violence.).
- Challenging disrespectful behavior.
- Showing enthusiasm, optimism and a team spirit.
- Engaging in safe and appropriate behavior at all times.
- Showing a willingness to assist others when needed.
- Displaying honesty, sound ethics, and integrity in all business contacts and decisions.
- Contributing to a safe and sanitary working environment.

Procedure: Any person who feels that he or she is being subjected to harassing, offensive, insubordinate or unprofessional behavior of any kind is encouraged to object to the behavior and report such behavior to their supervisor. Any supervisor who receives a complaint or who has reason to believe that such behavior is occurring, shall report such information to their Department Head and the Town Administrator.

Any employee or officer of the town of Canton who engages in, or has knowledge of such behavior is subject to disciplinary consequences. All complaints of such behavior will be investigated promptly, fairly and completely. In each instance the facts found as a result of such investigation shall determine the response to be made to each particular complaint. Each situation will be handled as discreetly as is possible to protect the “victim” of such behavior. Resolution of complaints can include, but are not necessarily to be limited to a directive to cease the offensive behavior, verbal or written warning, suspension (with or without pay), or termination.

In the event that improper behavior by the same person reoccurs such conduct should immediately be reported to the Department Head and to the Town Administrator.

The Town of Canton prohibits and will not tolerate retaliation or intimidation directed towards anyone who makes a complaint pursuant to this policy or those assisting in the investigation of any such complaint.

Town of Canton

**CHAPTER 14:
POLICY ON EMPLOYEE USE OF E-MAIL , INTERNET, AND OTHER ELECTRONIC
SYSTEMS**

Section	
14-501	Purposes
14-502	Statement of Policy
14-503	Use of the Internet
14-504	Use of E-mail System
14-505	Security and Virus Protection
14-506	Enforcement
14-507	Consent Agreement

SECTION 14-501. Purposes.

The purposes of the Town of Canton's computer and other electronic systems, including, but not limited to, electronic mail ["e-mail"] and the Internet, are to provide an efficient and effective means of internal and external communications, and to improve work productivity and work product. This policy addresses access to and the disclosure of information from such electronic systems.

Among other things, this policy is intended to guide Town of Canton employees, volunteers, and contractors in the performance of their duties.

This policy serves as notice to the employees, volunteers, and contractors of the Town of Canton that all data, including any that is stored or printed as a document, is subject to audit and review. There is no expectation of personal privacy in the use of the Internet and e-mail systems when using computers or services provided by the Town of Canton.

Finally, this policy serves to delineate acceptable uses of the Internet and e-mail systems by Town of Canton employees, volunteers, and contractors [collectively also referred to as "users" or "employees"] while using government-owned/leased equipment, facilities, Internet addresses, domain names, and/or e-mail services registered to or provided by the Town of Canton. It seeks to ensure that the use of the Internet and e-mail systems by Town of Canton employees, volunteers, or contractors while conducting work for the Town of Canton and/or while using Town of Canton provided systems is consistent with the Town of Canton policies, all applicable laws, and the individual user's job responsibilities.

SECTION 14-502. Statement of Policy.

The Town of Canton promotes Internet and e-mail use that enables employees, volunteers and, contractors to perform Town of Canton missions and encourages its employees, volunteers, and contractor personnel to develop Internet and e-mail skills and knowledge. It is expected that employees will use the Internet and e-mail to improve their job knowledge; to access scientific, technical, and other information on topics which have relevance to the Town of Canton; and to communicate with their peers in other government agencies, academia and industry on matters of relevance to their work for the Town of Canton.

(a) *Responsible Use:* Users are advised not to use the Internet or e-mail systems for any purpose which would reflect negatively on the Town of Canton or its employees.

(b) *Property of the Town of Canton:* The Town of Canton's electronic mail and Internet systems are business tools. These systems shall be used in a professional manner for legitimate business purposes only and, at all times, remain the property of the Town of Canton .

(c) *Scope:* This policy applies to:

(1) All technical resources that are owned or leased by the Town of Canton that are used on or accessed from Town of Canton premises, or that are used for Town of Canton business. This policy also applies to all activities using any Town of Canton-paid accounts, subscriptions, or other technical services, such as Internet access and e-mail, whether or not the activities are conducted from Town of Canton premises; and

(2) All full or part-time employees of the Town of Canton and volunteers and contractors who are authorized by their supervisors to use Town of Canton resources.

(d) *Information is Not Private:* The Town of Canton computers and the data stored on them are, and remain at all times, the property of the Town of Canton. As such, all messages created, sent, or retrieved over the Internet or the town's electronic mail systems are the property of the Town of Canton, and should not be considered private information. Employees have no right to privacy as to any information or file transmitted through or stored on the Town of Canton's computer systems, electronic mail, or other technical resources.

(e) *Use With Respect for Others:* Access to the Internet via Town of Canton resources and use of Town of Canton provided e-mail must only be for Town of Canton purposes. To that end, the use shall not disrupt or interfere with the work of other network users, adversely affect the operation of the Internet or the Town of Canton's own internal network, or misrepresent the interests of the Town of Canton.

(f) *Monitoring and Disclosure:* The Town of Canton reserves the right to access, retrieve, read and disclose any data, messages or files stored on Town of Canton-funded systems for any purpose. Employees should be aware that, even when a message is erased or a visit to a web site is closed, it is still possible to recreate the message or locate the web site. The Town of Canton reserves the right to monitor use of these systems to prevent abuse, enforce other policies, and access information. Access may occur in, but is not limited to, situations indicating: (1) impropriety, (2) violation of Town of Canton policy, (3) legal requirements, (4) suspected criminal activities, (5) breach of system security, or (6) to locate substantive information or monitor employee performance and conduct. The contents of these systems may be disclosed by Town of Canton Management within or outside of the Town of Canton without employee permission. Furthermore all communications including text and images may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. The Town of Canton has unlimited access to protect the security of these systems or the Town of Canton's property rights.

(g) *Consent:* All Town of Canton employees, who are provided with access to the Town of Canton's e-mail system, Internet, or other electronic systems are required to abide by the Town of Canton's policy contained here and in other relevant documents.

SECTION 14-503. Use of the Internet.

The Town of Canton provides Internet access to employees for their use in performing their duties for the Town of Canton. All employees of the Town of Canton are responsible for using Internet resources in an effective, ethical, and lawful manner. It is the Town of Canton's policy that the Internet resources, like other Town of Canton assets, be used for the benefit of the Town of Canton. All Internet use should be congruent with the Town of Canton's overall government policies. The Town of Canton reserves the right to monitor and/or log all network activity with or without notice, including all web site communications, and therefore, users should have no expectations of privacy in the use of these resources. Use of the system in violation of this or other Town of Canton policies is prohibited and may lead to disciplinary action, up to and including termination.

(a) *Uses that are acceptable and encouraged:*

(1) Communications and information exchanges directly relating to the mission, charter and work tasks of the Town of Canton,

(2) Announcements of Town of Canton procedures, meetings, policies, services, or activities;

(3) Use for advisory, standards, research, analysis, and professional society or development activities related to the user's Town of Canton job-related duties; and

(4) Use in applying for or administering grants or contracts for Town of Canton research programs.

(b) *Uses that are unacceptable:* It is unacceptable for a user to access, use, submit, publish, display, download, save, or transmit on the network, or on any computer system, any information which:

(1) Violates or infringes on the rights of any other person, including the right to privacy;

(2) Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material;

(3) Violates Town of Canton regulations prohibiting sexual harassment;

(4) Restricts or inhibits other users from using the system, or the efficiency of the computer systems,

(5) Encourages the use of controlled substances or uses the system for the purpose of criminal intent; or

(6) Uses the system for any other illegal purpose.

(c) It is also unacceptable for a user to use the facilities and capabilities of the system to:

(1) Conduct any non-approved business;

(2) Solicit the performance of any activity that is prohibited by law;

(3) Transmit material, information or software in violation of any local, state or federal law;

(4) Conduct any political activity;

(5) Conduct any non-Town of Canton-related fund raising or public relations activities;

(6) Engage in any activity for personal gain or personal business transactions, or

(7) Make any unauthorized purchases.

(d) *Copyrighted Material:* Users may download copyrighted material, but its use must be strictly within the agreement as posted by the author or current copyright law. The federal Copyright Act at 17 U. S. C. 101 *et seq.* (1988), protects and prohibits misuse of all original works of authorship in any tangible medium of expression. This includes a prohibition on plagiarism (using someone else's ideas or writing and passing it on as one's own).

(e) *E-Mail:* Internet e-mail is considered network activity, thus, it is subject to all policies regarding acceptable/unacceptable uses of the Internet as well as the Town of Canton's e-mail policy. Users should not consider Internet e-mail to be either private or secure.

(f) Passwords: Access to the Internet may require a password and authorized employees are prohibited from giving their password to any other person, except as provided in this policy. The password remains the property of the Town of Canton, and all passwords must be disclosed to the Information Systems Manager.

SECTION 14-504. Uses of E-mail System.

The Town of Canton provides an e-mail system to employees for their use in performing their duties for the Town of Canton. All employees of the Town of Canton are responsible for using the e-mail system in an effective, ethical, and lawful manner. It is the Town of Canton policy that the e-mail system, like other Town of Canton assets, be used for the benefit of the Town of Canton. All e-mail use should be congruent with the Town of Canton's overall government policies. The Town of Canton reserves the right to monitor and/or log all network activity with or without notice, including all web site communications, and therefore, users should have no expectations of privacy in the use of these resources. Use of the system in violation of this or other Town of Canton policies is prohibited and may lead to disciplinary action, up to and including termination.

(a) The Town of Canton's e-mail system is for official Town of Canton business and it shall be unacceptable to use the system for unrelated purposes, including but not limited to, the following:

- (1) To send or receive "chain" or similar type "letters."
- (2) To send or receive documents in violation of copyright or other laws.
- (3) To knowingly open mail not directed to you. Except to the extent that Town of Canton reserves the right to access and review all electronic uses and records, e-mail messages are confidential.
- (4) To send messages in violation of the Town of Canton's security policies.
- (5) To forward electronic messages without a legitimate business purpose under circumstances likely to lead to embarrassment of the sender or to violate the clearly expressed desire of the sender to restrict additional dissemination.
- (6) To send messages that are false or misleading, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, offensive, discriminatory, or illegal, including but not limited to sending messages under an assumed name or with the intent to obscure the origin of the message.
- (7) To solicit or proselytize for commercial ventures, religious or political causes, outside organizations or other non-job related solicitations.

(b) Avoid "carbon copying" individuals who have no direct involvement or "need-to-know." Likewise, e-mail to all users should only be used on very rare occasions when every person on the system has a direct need to know.

(c) Avoid "forwarding" e-mail to a third party unless necessary (see "carbon copying"). When forwarding, explain the reason for the forwarding action and edit out any potentially inappropriate contents. If in doubt about the appropriateness of forwarding a given piece of mail, check with the originator for guidance.

(d) When sending an e-mail requiring "action," be sure to indicate which "TO" addressee(s) is/are to take the action.

(e) Do not "say" anything in an e-mail message that could prove embarrassing or compromising to you or others. Each employee is responsible for the content of all text, audio, or images they transmit.

(f) Avoid potentially contentious exchanges through e-mail.

(g) Confidential and sensitive information, such as performance reviews, disciplinary and/or corrective actions, attorney-client privileged information, personnel information, and health or medical information should not be communicated via e-mail.

(h) Communications which would be inappropriate under other Town of Canton policies are equally unacceptable if delivered via electronic communication. These communications may include, but are not limited to, harassing or discriminatory comments, breaches of confidentiality, and insubordinate statements.

(i) Use your common sense in determining when to use e-mail, in what is said, and to whom. Remember that no electronic communication is private and the Town of Canton reserves the right to monitor and review all communications originating from or entering its computer systems.

SECTION 14-505. Security and Virus Protection.

(a) E-mail and/or Internet access may utilize passwords for security; however employees should be aware that the reliability of such tools for maintaining confidentiality can not be guaranteed. Additionally all passwords must be made known to the Town of Canton, through the Information Systems Manager.

(b) To prevent computer viruses from being transmitted through the system, employees are not permitted to download any software onto their computer or any drive in that computer or on the network. When downloading a file or opening an e-mail attachment, users must scan all materials with Town of Canton provided virus protection software. Additional consideration of policies established by the Information Systems Manager should be used in determining how to handle potentially damaging e-mails or files.

SECTION 14-506. Enforcement.

This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the Internet and e-mail systems provided by the Town of Canton and is not necessarily exhaustive. Questions about specific uses should be directed to the user's supervisor. The supervisor shall consult the Information Systems Manager to determine if any policy violation has occurred.

Immediately upon implementation of this policy, supervisors will be responsible to provide a copy of this policy to, and collect signed consent forms from, all employees who currently have access to the Town of Canton's Internet or e-mail systems.

Prior to authorizing new access, the supervisor is responsible to provide a copy of this policy to, and collect signed consent forms from all employees who will have access to the Town of Canton's Internet or e-mail systems.

The supervisor will review alleged or suspected violations of the policy and clear violations may result in disciplinary actions. Any user violating these provisions or applicable local, state or federal laws is subject to immediate loss or restrictions of Internet/e-mail privileges, additional disciplinary actions, up to and including termination of employment, and/or criminal prosecution.

SECTION 14-507. Consent Agreement.

As a condition of employment, all Town of Canton employees must acknowledge that all computer and electronic systems, including but not limited to, electronic mail and Internet network activity are the property of the Town of Canton, and therefore, they should not consider any activity to be private. Current

users of the Town of Canton's Internet or e-mail systems must sign the consent form provided, within thirty (30) days of receiving a copy of this policy. Prior to obtaining new access to Internet or e-mail systems provided by the Town of Canton, employees must sign the consent form provided. By signing the consent form, users acknowledge that they have received a copy of the policy, read it, and understand the Town of Canton's Policy and the potential penalties for non-compliance.

Policy: The purpose of this policy is to outline the responsibilities of employees, supervisors and managers with regard to drug and alcohol use in the workplace and the testing of employees in safety sensitive positions in accordance with US. Department of Transportation (DOT) regulations, issued under the Omnibus Transportation Employee Act of 1991, and in accordance with the Drug Free Workplace Act of 1988

Scope: This policy applies to all safety-sensitive employees at the Public Works, Council on Aging Recreation and School Departments as governed by Department of Transportation regulations.

Definitions:

Breath Alcohol Technician (BAT) An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

Evidential Breath Testing Device (EBT) A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath.

Medical Review Officer (MRO) A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the Town's controlled substances testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Safety Sensitive Function Operating for any period of time, in any place, a commercial motor vehicle, or employment activity preparatory to operating a commercial motor vehicle.

Substance Abuse Professional SAP A licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

General Policy Regarding Drugs and Alcohol:

- A. The Town of Canton and the Canton Public Schools firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The Town of Canton and the Canton Public Schools discourages users of illegal drugs and misusers of legal drugs, including alcohol, from seeking employment with the Town or Canton Public Schools and encourages very forcefully the rehabilitation of such persons already in its employ.

- B. While the Town of Canton and the Canton Public Schools have no intention of intruding into the private lives of its employees, the Town and the School Department do expect employees to report for work in a condition to perform their duties. The Town and the School Department recognize that employee off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace employee safety and on the ability of the Town and the School Department to accomplish their goal of providing an alcohol and drug-free environment.
- C. In accordance with the Federal Drug Free Workplace Act, the illegal use, sale or possession of narcotics, drugs or controlled substances while on the job or on Town or School Department property is an offense warranting disciplinary action up to and including termination.
- D. Employees who are under the influence of alcohol during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Consistent with Town and School Department practice, such conditions may constitute just cause for disciplinary action up to and including termination of employment.
- E. Employees are expected to follow any directions of their health care provider concerning prescription medications. However, a driver must immediately notify their supervisor if any prescription drug is likely to have an impact of job performance.
- F. Any employee, while on Town or School Department property or during the employee's work shift, including without limitation all breaks and meal periods, consumes or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository, alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, may be suspended immediately pending further investigation. If use or possession is substantiated, disciplinary action, up to and including termination may be imposed.
- G. The Town of Canton and the Canton Public Schools are committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems, and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.
- H. If at any time an employee volunteers to enter a chemical dependency program, s/he will enter a without fear of disciplinary action being taken against him/her as a result of seeking treatment. Such a program is designated to provide care and treatment to employees who are in need of rehabilitation.

Policy Regarding Drug and Alcohol Testing

- A. It is the policy of the Town of Canton and of the Canton Public Schools to comply fully with the regulations mandating pre-employment drug testing and random, reasonable suspicion and post-accident drug and alcohol testing in accordance with the regulations issued by DOT.
- B. Performance of safety-sensitive functions is prohibited by employees having a breath alcohol concentration of .04 percent or greater as indicated by an alcohol breath test; by employees using alcohol within four hours of reporting to work; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken, excluding over-the-counter cough medicine.
- C. Use of illicit drugs by all employees is prohibited.

Procedure;

- A. Types of Tests

To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. All time spent participating in the tests will be considered hours worked. The following tests are required:

- 1.**Pre-employment.** All applicants for employment in positions requiring a Commercial Drivers License, or candidates for transfer or promotion to such a position, are subject to screening for improper use of controlled substances.
- 2.**Post-Accident.** Post accident tests are conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation.
- 3.**Reasonable Suspicion.** Reasonable suspicion tests are conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse. If a driver's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted.
- 4.**Random.** Random tests are conducted on a random, unannounced basis just before, during or after performance of safety sensitive functions for alcohol or at any time for drugs. As of January 1, 1999, the number of random alcohol tests conducted must equal at least 10% of all the safety-sensitive drivers and the number of random drug tests conducted must equal at least 50% of all safety-sensitive drivers. The Town will not randomly test more employees than the DOT regulations require.
- 5.**Return to Duty and Follow-up.** Return to duty and Follow up tests are conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty at the discretion of the employer.

B. Conducting Tests

I. Alcohol. DOT rules require breath testing using evidential breath testing (EBT) devices.

Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than .02 alcohol concentration is considered a "negative" test. If the alcohol concentration is .02 or greater, a second, confirmation test must be conducted.

2. Drugs.

a). Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimens security, proper identification and integrity are not compromised

b). DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen rains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has seventy-two (72) hours to request that the split specimen be sent to another DHHS certified laboratory for analysis. c). All urine specimens are analyzed for the following drugs:

Marijuana Cocaine

Amphetamines

Opiates (including heroine)

Phencyclidine (PCP)

d). Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

e). All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. Legitimate medical reasons may explain a positive test result in some instances of a positive test. If the MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative test.

C. Refusal to Participate

Any refusal to participate in any of the types of alcohol and/or drug test authorized in this policy will be treated as a positive test result.

D. Costs Associated with Tests

The Town will incur the expense of all tests required by the DOT regulations. Tests not required by DOT regulations, such as testing of split sample, will be incurred by the employee.

Consequences of Positive Tests

A. Alcohol

1. Safety sensitive employees who have any alcohol concentration, defined as .02 or greater, who was tested just before, during or just after performing safety sensitive functions must be removed from performing such duties for twenty-four (24) hours. Depending on the circumstances, disciplinary action may be imposed upon an employee whose alcohol test reveals any alcohol concentration between .02 and .04.
2. Drivers who engage in prohibited alcohol use, that is, who test positive for alcohol use greater than .04, will be immediately suspended for three (3) working days and required to consult with a Substance Abuse Professional (SAP). Any driver serving a probationary period will be terminated immediately.
3. Drivers who test positive who wish to continue employment with the Town must be evaluated by a SAP and comply with any treatment recommendations to assist them with an alcohol problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). If treatment recommended and documented by the SAP requires time away from work, the time may be designated as family leave in accordance with the Family Medical Leave Act.
4. Drivers who have been evaluated by a SAP, who comply with any recommended treatment, who have taken a return to duty test with a result less than .02, and who are then subject to unannounced follow-up tests, may return to work.
5. Drivers who have returned to work under these conditions and who subsequently test positive for alcohol will be suspended immediately for fifteen (15) working days and be required to follow the above procedures for return to work.
6. Drivers who have returned to work under these conditions and who subsequently test positive for alcohol will be terminated.

B. Drugs

1. Safety sensitive employees who test positive for illicit drugs will immediately be suspended for sixty (60) days and be required to consult with a SAP. Any driver serving a probationary period will be terminated immediately.
2. Drivers who test positive who wish to continue employment with the Town must be evaluated by a SAP and comply with any treatment recommendations to assist them with a drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). If treatment recommended and documented by the SAP requires in-patient or out-patient treatment, the time in treatment may be designated as family leave in accordance with the Family Medical Leave Act.

3. Drivers who have been evaluated by a SAP, who comply with any recommended treatment' who have taken a return to duty test, and who are then subject to unannounced follow-up tests, may return to work.

4. Drivers who have returned to work under these conditions and who subsequently test positive for drugs will be terminated.

Consequences of Accidents

As in the case of any accident, consequences, whether or not alcohol or drugs are included, will be determined after thorough investigation by proper authorities.

Informational Training

A. All current and new employees will receive written information about the DOT regulations on testing requirements and how and where they may receive assistance for alcohol and drug misuse. All employees must receive a copy of this policy and sign the Confirmation of Receipt. (Attached).

B. All supervisory and management personnel in the Public Works, Council on Aging, Recreation and School Departments must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.

C. This policy will be posted on employee bulletin boards and will be available to all employees.

Record Keeping

Driver alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the employer, the SAP and the MRO, and any arbitrator of a grievance filed in accordance with the policy. Any other release of this information may only be made with the driver's consent, or in response to a court order. The Town's Human Resources Department will keep all records pertaining to the drug testing program, including any documents pertaining to positive and negative tests, in a locked file cabinet, separate from the employees' personnel folders.

Pre-Employment References

- A. The Town and the School Department must obtain and review the following information from each employer that the prospective driver worked for, in a safety sensitive position, during the previous two years:
 - a). information about a test in which the employees breath alcohol was .04 or greater,
 - b). information about a positive drug test: and
 - c). information about any refusal to participate in the alcohol and drug testing program.
- B. The prospective employee must provide the former employer with a written release allowing the release of the information or s/he will not be hired
- C. If the previous employer indicated that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless s/he has already consulted with a SAP, already received recommended treatment, and subsequently tested negative in a return to duty test for the former employer.
- D. The Town of Canton and the Canton Public Schools must provide the same information to subsequent employers of current Town or School Department employees when provided with a written release.

Policy: The Town of Canton and Canton Public Schools establish the foregoing policy in compliance with the federal Family & Medical Leave Act of 1993 (FMLA). The Town and School Department shall utilize the terms and definitions of the FMLA.

Scope: This policy and procedure is applicable to all Town of Canton and Canton Public School employees (who meet Federal eligibility guidelines as indicated below except where this policy conflicts with specific provisions of the bargaining unit agreement).

Definitions: The Family and Medical Leave Act (FMLA) of 1993 allows eligible employees twelve (12) weeks of unpaid leave (FMLA leave) per year for employees who have been employed for at least 12 months and have worked at least 1250 hours during the twelve month preceding the commencement of the leave. Employees make take FMLA leave for the following reasons:

1. birth of the employee's child or placement of a child with the employee through adoption or foster care;
2. the employee is needed to care for a child, spouse, or parent who has a serious health condition; or,
3. the employee is unable to perform the functions of his or her position because of a serious health condition.

"Serious health condition" is defined by law and refers to in-patient care, and in some instances out-patient care by a medical provider.

Procedure:

- A. **Requirements.** Employees are required to use certain types of accrued or available paid leave first, as part of the twelve weeks of FMLA leave, before commencing the unpaid portion of the leave. Employees who take FMLA leave must use all accrued sick time, if applicable, and all accrued vacation and personal time.

B. **Eligibility.** To be eligible for leave under this policy, an employee must have been employed by the Town or School Department for at least twelve months, and must have worked at least 1250 hours during the twelve month period preceding the commencement of the leave.

C. **Conditions.**

- a. **Twelve Weeks.** Employees may take no more than twelve weeks of leave in a twelve month period. The twelve month period is a rolling twelve months beginning twelve months prior to the proposed commencement of requested leave. If both spouses are employed by the Town and/or the School Department, they are together entitled to a total of twelve weeks of leave for the birth or placement of a child or care of a sick parent.
- b. **Notice.** Employees wishing to take FMLA leave must give 30 days notice of foreseeable events. If the event giving rise to the need for leave is not foreseeable, then the employee must give such notice as is practicable under the circumstances. Employees must schedule planned medical treatments with due regard for the Town and School Department's operational needs.
- c. **Certification.** Employees requesting FMLA leave must fill out a FMLA leave request form and provide medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. The certification of physician or practitioner form should be filled out by the employee's medical provider and returned to either the employee's Supervisor or the Human Resources Department. The town may require a second medical opinion and periodic re-certification at its own expense.
- d. **Reduced Schedule Leave.** If medically necessary for a serious health condition of the employee or his or her spouse, child, parent, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, the Town or School Department may require the employee to transfer temporarily to a position, with equivalent compensation, which better accommodates recurring periods of absence or a part-time schedule.

D. Benefits

- a. **Health Coverage.** Employees on leave are entitled to the continuance of group health coverage under the same conditions they received coverage prior to the leave. Employees who contribute to their health insurance premiums via payroll deduction will be billed for any of the premium contributions missed during the period of unpaid absence, if they wish to retain coverage. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the Town or School Department may recover from the employee the cost of any payments made to maintain the employee's coverage unless the failure to return to work was for reasons beyond the employee's control.

If the leave lasts beyond 12 weeks, the Human Resources Department notifies the employee regarding the COBRA process.

- b. **Other Benefits.** Benefits based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence. Employee do not accrue sick, vacation or personal time while on unpaid leave in excess of 30 days.

E. Sick Leave, Workers Compensation Leave and Other Absences.

Employees who are out of work for reasons that would qualify for leave under this policy, irrespective of whether leave has been requested under this policy, are required, upon request, to provide to the Town or School Department the information and certifications required by the policy. The Town and School Department shall designate all such qualifying leave as Family and Medical Leave, which shall run against the twelve weeks allowed under this policy.

- F. **Return to Work.** Employees returning from FMLA Leave in accordance with this policy will be restored to their original positions, or to equivalent positions with equivalent pay and benefits. Employees should contact the Human Resources Department and their Supervisors at least two weeks before their return date to make arrangements.



The Pregnant Workers Fairness Act ('the Act')

1.0 Definition

The Pregnant Workers Fairness Act ("the Act") amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). This Law became effective April 1, 2018.

2.0 Policy

The Pregnant Workers Fairness Act makes it unlawful for an employer in Massachusetts to discriminate against an employee due to pregnancy or a condition related to pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child. The law updates MGL Chapter 7 57 B, the Massachusetts anti-discrimination law to include these new provisions.

The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers' obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

3.0 Attachments

3.1 MCAD Guidance on Pregnant Worker's Fairness Act

The Pregnant Workers Fairness Act (“the Act”) amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

Under the Act:

- Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an “interactive process,” and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.
- An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.
- An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.
- An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee’s request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.
- Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.
- Employers must also provide written notice of employees’ rights under the Act: (1) to new employees at or prior to the start of employment; and (2) to an employee who notifies the employer of a pregnancy or a pregnancy-related condition, no more than 10 days after such notification.

The foregoing is a synopsis of the requirements under the Act, and both employees and employers are encouraged to read the full text of the law available on the General Court's website here:

<https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter54>.

If you believe you have been discriminated against on the basis of pregnancy or a pregnancy-related condition, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

Boston Headquarters: One Ashburton Place, Room 601, Boston, MA 02108 | (617) 994-6000

Springfield: 436 Dwight Street, Room 220, Springfield, MA 01103 | (413) 739-2145

Worcester: 484 Main Street, Room 320, Worcester, MA 01608 | (508) 453-9630

New Bedford: 128 Union Street, Suite 206 New Bedford, MA 02740 | (774) 510-5801

www.mass.gov/mcad/

Policy: This policy governs notification and associated practices in the event of a work-related injury or illness at the Town of Canton or Canton Public Schools.

Scope: This policy and procedure is applicable to all personnel, except those employees covered under the civil service regulations or where this policy conflicts with specific provisions of the bargaining unit agreement.

Definitions: M.G.L: Chapter 152 is recognized as the Workers' Compensation Law of Massachusetts. The law provides financial benefits for employees who suffer work-related disabilities, illnesses, or a work related fatality. According to state law, employees are paid at 60% of their average weekly gross pay for time lost due to an industrial accident or illness.

Procedure:

Notification of Injury/Illness

1. The Town of Canton and Canton Public Schools are presently under contract with a Workers' Compensation Third Party Administrator (TPA) who acts as an advisor and represents the Town and Schools in matters pertaining to the Employer's obligations and requirements as imposed by the Massachusetts Workers' Compensation Act. The TPA assumes responsibility for case management of all workers' compensation cases.
2. It is the responsibility of each supervisor and Department Head to inform the Human Resources Department within 24 hours of all industrial accidents/illnesses.
 - b. The injured employee and his/her supervisor must complete an incident report, supervisor's investigation report and medical release form.
 - c. The injured employee should report to the Nurse's Office if they are a school department employee and to their Department Head if they are a town employee. If medical treatment is necessary, Milton Occupational Health Center should be utilized as the medical provider, whenever possible. The School Nurse or Department Head should contact Milton Occupational Health Center at 617-696-4600 extension 1681. However, the employee has the option of choosing any medical provider for medical treatments.

- d. The Human Resources Department is responsible for filling out the Form 101 utilizing information that the employee has provided on the incident report. The Human Resources Department must file the form 101 with the Department of Industrial Accident Board within seven days of the injury. The Third Party Administrator also receives a copy of the form 101. Fines may be assessed if the Department of Industrial Accidents does not receive the form 101 within the specified time frame. **It is very important to forward the incident reports within 24 hours to the Human Resources Department.**

- e. All claims for benefits including lost time due to an alleged industrial accident/illness will be investigated thoroughly. If a claim is found and proven to be fraudulent the employee will be subject to disciplinary action up to and including immediate termination.

Payment

1. No payments will be made under this policy unless a completed report of incident or unusual occurrence has been received in the Human Resources Department.
2. Employees will be paid regular hours in full for the day in which the accident/illness occurred regardless of time lost.
3. Employees may opt to be paid out of his/her sick, vacation or personal bank during the initial five day wait period prior to receiving his/her first worker's compensation payment.
4. If the employee is out beyond twenty-one (21) days, he/she will receive workers compensation payments for the first five days of lost time. If he/she opted to utilize his/her time bank during the initial wait period, his/her paid time off bank will be credited by 60% of the time.
5. The employee should forward all medical and hospital expenses incurred as a result of the accident/illness to the Human Resources Department.
6. Cook and Company obtains wage information for the employee and authorizes worker's compensation payment amounts.
7. A worker's compensation check (60% of weekly salary) will be issued through the Town of Canton's Payroll Department. All insurance deductions will be deducted from the worker's compensation check.

Benefit Status

1. Employees will be charged the usual cost for the insurances in which they are enrolled immediately prior to the accident/illness.
2. Accruals of sick and vacation time will continue to accrue for a period of six months.
3. Longevity bonuses will discontinue until the employee has returned to active status.
4. Step raises will discontinue until the employee returns to active status. Cost of living adjustments may be issued by Cook and Company.

Return to Work

1. The injured employee must contact his/her Department Head when they are ready to return to work.
2. Employees must receive a return to work clearance physical examination from Milton Hospital's Occupational Department. The clearance form should be given to the employee's supervisor and to the Human Resources Department.
3. Employees who receive return to work clearance without restrictions will be returned to their position as soon as possible, except as otherwise provided by law.

Policy: It is the policy of the Town of Canton that no employee or applicant for employment shall be discriminated against because he or she is a person with a disability, in regards to any position for which, in the Town's reasonable opinion, the employee or applicant employment is qualified, in accordance with the Rehabilitation Act of 1973 and the American's with Disabilities Act of 1990 (ADA).

The Town of Canton shall make a reasonable accommodation to the physical and mental limitations of the person with the disability, unless it can be demonstrated that such an accommodation would impose an undue hardship on the Town of Canton, as defined in the American's with Disabilities Act of 1990 and the Federal Rehabilitation Act of 1973.

Scope: This policy and procedure is applicable to all Departments within the Town of Canton.

Definitions: Under the ADA, the definition of "disability" is a (a) physical or mental impairment (b) which substantially limits (c) one or more major life activities.

Procedure:

1. The Town of Canton's designated physician has the following responsibilities:
 - Evaluate all employees and applicants' ability to meet the demands of the jobs for which they are being considered.
 - Provide technical guidance/assistance upon request including advice as to a reasonable accommodation.
 - Report findings to Human Resources Department.
2. It is the responsibility of the hiring manager/supervisor to
 - Assign employees those duties, which fall within the job requirements and reasonable accommodations.
 - Monitor performance of the employee to ensure that job requirements are achieved.
 - Update the Human Resources Department with regard to any change in employees disabled status.

3. It is the responsibility of the Human Resources Dept. to:
 - Place disabled individuals in accordance with the recommendations of the designated physician.

4. It is the responsibility of the Affirmative Action Officer to:
 - Administer the Town's Affirmative Action Plan regarding the disabled. Audit compliance with this policy, the Affirmative Action Plan ADA guidelines.

Policy: It is the policy of the Town of Canton and the Canton Public Schools to guarantee equal employment opportunity without regard to race, creed, color, age, religion, sex, sexual orientation, national origin, disability status or veteran status, in all aspects of employment, and to maintain guidelines for affirmative action towards the fulfillment of this policy.

Scope: This policy and procedure is applicable to all Town of Canton employees and applicants for employment and to all employees of the Canton Public Schools and applicants for employment.

Definitions:The Town of Canton and the Canton Public Schools are committed to complying to all applicable Federal and State laws regarding non-discrimination and equal opportunity. This policy applies to all employment related functions, including but not limited to recruiting, hiring, training, compensation, promotion, benefits, transfers, layoffs, return from layoffs, and social/recreational programs.

Procedure:

1. The Human Resources Department is responsible for ensuring that all personnel actions are in compliance with state and federal Affirmative Action and EEO regulations and guidelines. Such efforts include:

Recruitment: all advertisements and job postings will identify the Town as an "Equal Opportunity Employer". Efforts will be made to include help wanted advertisements that serve minority populations and females.

Promotion and Demotion: The Town will work toward providing qualified minorities, persons with disabilities, veterans and females the opportunity for promotion.

Layoffs and Termination: Reduction of force, when necessary, shall be done with an objective criterion and without unlawful discrimination.

Compensation and Benefits: The Town will pay all personnel fairly according to their job classification.

Facilities and Activities: shall be accessible to the disabled to the fullest extent possible and shall be offered on a non-segregated, non-discriminatory basis.