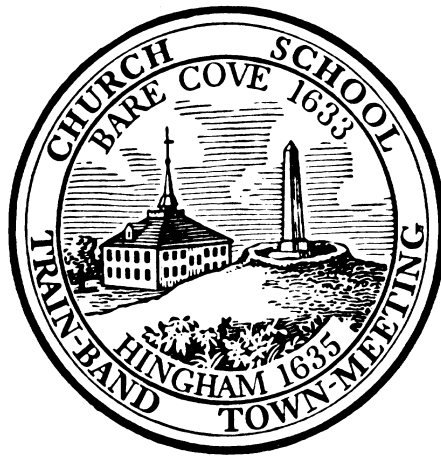


# **HINGHAM BOARD OF SELECTMEN**



## **POLICIES AND PROCEDURES**

### **MANUAL**

**September 2015**

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## **ADA GRIEVANCE PROCEDURE**

The following Grievance Procedure is established to meet the requirement of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs and benefits by the Town of Hingham.

1. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities who are unable to submit a written complaint.
2. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the Department Head in authority where the violation is alleged to have occurred.
3. Within 15 business days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 business days after the meeting, the ADA Coordinator will respond in writing and, where appropriate, in a format accessible to the complainant such as audiotape. The response will explain the position of the Town of Hingham and offer options for substantive resolution of the complaint.
4. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the Board of Selectmen or their designee.
5. Within 15 business days after receipt of the appeal, the Board of Selectmen or their designee will meet with the complainant to discuss the complaints and possible resolutions. Within 15 business days after the meeting the Board of Selectmen or their designee will respond in writing and, where appropriate, in a format accessible to the complainant, such as audiotape, with a final resolution of the complaint.
6. Upon completion of the Grievance Procedure, all records in connection with the grievance shall be delivered to and maintained by the ADA Coordinator.

## **AGENDA PROCEDURE**

(Adopted October 30, 2009)

The Chairman of the Board of Selectmen has the responsibility for coordinating and planning the weekly agenda. Each of the Board Members and Town Administrator may place items on the agenda. The Town Administrator, after consultation with the Chairman, shall schedule an approximate time period for each appointment, interview, conference or other scheduled item of business and shall confirm all appointments including time allotted.

All agenda items should be submitted to the Chairman or the Town Administrator by 4:30 p.m. on the Wednesday preceding the scheduled Tuesday meeting. Items of emergency or strictly routine nature that develop after closing of the agenda may be considered under "other business".

### **ANIMAL POLICY**

(Adopted: October 3, 2013)

It is hereby found and declared that in order to foster the public health, safety and welfare, there is a need for the Town of Hingham to generally exclude animals from its Town Hall. Therefore, animals of all types shall not be permitted inside the Town Hall for the Town of Hingham except as follows:

1. Service animals (as defined by 28 C.F.R. § 35.104 and in accordance with the regulations at 28 C.F.R. § 35.136) that are individually trained to do work or perform tasks for the benefit of an individual with a disability, and accompanied by said individual, shall be permitted inside the Town Hall for the Town of Hingham on the same terms and conditions as generally govern the admission of the public inside the Town Hall; or
2. Animals attending a training program conducted by the Town of Hingham Recreation Commission; or
3. K-9 dogs under the control of a law enforcement officer.

### **ANTI-HARASSMENT POLICY**

(Revised by the Board of Selectmen October 26, 2010)

It is the policy of the Town of Hingham to promote and maintain a working and educational environment that is free from all forms of harassment. The most productive and satisfying work environment is one in which work is accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs morale, undermines the integrity of employment relationships and causes serious harm to the productivity, efficiency and stability of our organization.

All employees have a right to work in an environment free from discrimination and harassing conduct, including sexual harassment. Harassment on the basis of an employee's race, color, creed, religion, sex, national origin, age, marital status, veteran status, sexual preference or disability is expressly prohibited under this policy. Harassment on any basis (race, sex, age, disability, etc.) exists whenever the conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.

Sexual harassment violates state and federal law; and, therefore, the policies of the Town of Hingham. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment, or success as a student; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual, or; (3) such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

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 or not they involve physical touching;

- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess; and

- Displaying sexually suggestive objects, pictures, and cartoons.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Such harassment can be defined as conduct that shows hostility or aversion toward an individual because of his or her protected characteristic and that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Each employee of the Town of Hingham is personally responsible for:

Ensuring that his/her conduct does not harass any other employee or applicant for employment, or other individual in the workplace or school;

Cooperating in the investigation of informal reports or formal complaints of alleged harassment by providing any information she/he possesses concerning the matters being investigated; and  
Otherwise cooperating with efforts to prevent and eliminate harassment and to maintain a working and learning environment free from such unlawful discrimination.

Grievance Officers for all forms of harassment:

Alleged Violations Between Town Employees

For any alleged harassment violations between Town employees, the Board of Selectmen has designated the below individuals as Grievance Officers. They are vested with the authority and responsibility of processing and investigating all harassment complaints in accordance with the procedure outlined below.

- Human Resources Director      David Basler      (781) 804-2479
- Assistant Town Administrator      Betty Foley      (781) 804-2401
- Public Health Nurse      Kathy Crowley      (781) 804-2371

Alleged Violations Between School Department Employees

For any alleged harassment violations between School Department employees, the Superintendent of Schools has designated the Director of Student Services as the Grievance Officer. He or she is vested with the authority and responsibility of processing all harassment complaints in accordance with the procedure outlined below. The Director of Student Services may be contacted at the School Administration Offices, telephone 741-1500.

Procedure

1. Any employee of the Town who believes that he or she has been subjected to any form of harassment will report the incident(s) to the Grievance Officer as soon as possible, normally within thirty working days of a harassment incident.

2. The Grievance Officer will attempt to resolve the problem in a formal and expeditious manner through the following process:

- a. In order to obtain a clear understanding of that individual's statement of facts, the Grievance Officer will confer with the individual who feels he or she was subjected to harassment. After meeting with the grievant, the grievant or Grievance Officer shall put the complaint of harassment in writing. In the event that the Grievance Officer puts the complaint in writing, the grievant will review the written grievance for its accuracy and sign it.

In the event that an employee grievant does not feel comfortable making the grievance as outlined above, he/she is free to file the grievance with any administrator above him/her in the organizational chart. The administrator will then coordinate the processing of the grievance with the Grievance Officer.

- b. The Grievance Officer will then meet with the alleged harasser in order to obtain his or her response to the complaint.
- c. The Grievance Officer may hold as many meetings with the parties as is necessary to gather facts.
- d. The Grievance Officer will meet with other individuals who may have pertinent information.
- e. The Grievance Officer will review any pertinent documents.
- f. In a grievance involving students, the Department of Children and Families (DCF) or the Hingham Police Department may be involved to assure student safety and to comply with mandated reporting requirements.

3. The investigation will be processed in an expeditious manner. Upon completion of the investigation, the Grievance Officer shall prepare a report outlining the findings. Any employee found to have engaged in harassment in violation of this policy will be subject to disciplinary actions up to and including termination of employment.

The investigation report and all documentation shall be kept in a confidential file. In the event there is a finding of no harassment, the grievant may appeal the decision to the appropriate body, either the Board of Selectmen or the Superintendent of Schools.

4. The Grievance Officer will write a summary of the investigation and the disciplinary action. Both the complainant and the harasser shall receive the summary. If a complaint is substantiated, the summary shall be placed in the personnel file of the harasser. If the complaint is unsubstantiated, the summary shall be kept in a confidential file for a period of three (3) years.

5. Grievant's are not limited to a formal grievance procedure but may seek relief from other agencies, including the following:

The United States Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Building  
475 Government Center



Boston, MA 02203  
800-669-4000

The Massachusetts Commission Against Discrimination (MCAD)  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 727-3990

The Office of Civil Rights of the Department of Education  
Region I  
33 Arch Street, Suite 900  
Boston, MA 02110  
617-289-0111

6. The Town of Hingham announces that any retaliatory action of any kind taken by an employee or student against any other employee or student as a result of the person's seeking redress under these procedures or cooperating in any proceeding under these procedures, is prohibited and shall be regarded as a separate and distinct grievable matter under this procedure.

#### **APPOINTMENTS**

1. The policy of the Board of Selectmen is to appoint citizens to Selectmen's committees for one term, and, if the member is willing, to reappoint once for one additional term. The purpose of the policy is to allow wider citizen participation on Town government committees. This policy may be waived by the Board in special circumstances.
2. Appointees may serve on only one Town committee at a time. The purpose of this policy is to encourage participation by the greatest number of citizens. The policy may be waived by the Board of Selectmen in special circumstances.

#### **BANDSTAND POLICY**

1. Applications for permission to use the Bandstand may be obtained at the office of the Board of Selectmen. The application form must be completed, signed and returned to the Board of Selectmen for clearance by the Department of Public Works and Police Department.
2. Any person holding a function attended by more than 50 people must arrange for a minimum of one police officer, to be paid at their own expense. Large functions may require more police personnel (to be determined by the Traffic/Safety Division of the Police Department (781.749.1212).
3. Applicants should contact the Department of Public Works (781.741.1430) at least two days in advance of the function date in order to pick up a key and instructions on usage procedures. The DPW office at 25 Bare Cove Park Road is open 8:00 AM to 4:00 PM weekdays. The key obtained from the DPW will open the gate and give access to electricity.
4. All parties using the Bandstand must agree to leave the area clean and in proper order and the gate locked.

5. The key must be returned to the DPW office on the first weekday following the function.
6. No alcoholic beverages are allowed on Town property.

### **BLOCK PARTY POLICY**

1. Applications for permission to hold a block party must be obtained at the office of the Board of Selectmen. The application form must be completed, signed and returned to the Board of Selectmen for clearance by the Department of Public Works, Fire Department and Police Department.
2. The applicant should supply, if appropriate, the Board of Selectmen with an adequate detour plan prior to the granting of permission to close off a roadway.
3. The Traffic/Safety Division will determine if a police officer is needed and advise the Selectmen before a permit is issued.
4. The permit may be revoked and the party terminated by the Police Department in the event of any rowdiness, excessive noise or any other disturbance.
5. After a permit is issued, the permit holder must arrange with the Department of Public Works for barricades, signs, etc. Any damage to this equipment will be the responsibility of the permit holder. A \$50.00 refundable deposit, payable to the Department of Public Works, is required and will be returned to the permit holder upon return of the equipment in good condition.
6. It is the responsibility of the permit holder to see that the area is left clean and orderly following the function and to return to the Department of Public Works any signs, barricades, etc. loaned by the Town.
7. The By-laws of the Town of Hingham prohibit drinking alcoholic beverages on Town property.

### **BOARD OF SELECTMEN CODE OF CONDUCT**

(Adopted September 3, 2015)

#### **Introduction**

The undersigned members of the Board of Selectmen adopt this Code as a guide to inform and govern our behavior toward each other, and toward town employees and volunteers, other government officials, and the people of Hingham. We have been elected by the citizens of Hingham to collectively exercise the executive authority of our town government, except for authority assigned to another board, committee or individual. In the exercise of our authority, we commit ourselves to the faithful execution of the laws of the Commonwealth and the Bylaws of the Town and to the implementation of Town Meeting decisions. We will strive to conduct ourselves in a collegial and professional manner, mindful that our guiding principle is to act in the best interests of the town after thorough preparation and careful consideration of relevant facts and circumstances, and mindful also that there may be good faith disagreements over where the best interests of the town may lie in any particular decision. We will strive to be the standard bearers of civil and productive discussion in our local governance. In addition to complying with the laws and regulations governing our office, including the letter and spirit of the

State's Ethics Laws and Regulations, we will abide by this Code of Conduct.

**A. Standards of Civility.** We acknowledge that as individual members and as a Board our conduct influences the tone of discussion and debate on the issues before the town. We will treat each other, town employees and volunteers, and members of the general public with courtesy and respect. We subscribe to the tradition of our Town Meeting that "no speaker is allowed to indulge in personalities, but must confine his or her remarks to the matter before the meeting." Personal attacks have no place in public debate in Hingham and we will not engage in or condone such conduct or permit such personal attacks to occur at our meetings. We will likewise expect all town employees, committees and boards under the supervision of our Board to treat people with courtesy and respect and to conduct their business in a manner consistent with the principles of public discourse espoused in this Code.

**B. Exercise of Board Authority.** The authority of the Board can only be exercised as a Board. We will conduct the business of the town in a manner that is inclusive, transparent and professional. Except for matters properly taken up in executive session, all decisions of the Board will be made in public sessions and those sessions will ordinarily be broadcast by H-CAM. We will consider carefully the views expressed by each member of the Board and by those who appear before us and participate in our public hearings and meetings, mindful that we are not infallible and that the townspeople justifiably expect us to bring our collective, informed judgment to bear on the issues that come before the Board. We each represent the entire community and will strive to exercise our authority in the best interests of the town. No individual member can or should speak for the Board as a whole unless authorized to do so by the Board, nor should a member suggest or imply that the member speaks for the Board in the absence of authority to do so. Once a decision of the Board has been made, we will abide by that decision regardless of our individual vote until and unless the decision is rescinded or set aside.

We will strive to create an environment in which all committees and boards under the supervision of the Selectmen, or upon which a member of the Board may serve, are encouraged to exercise their best judgment in carrying out their charge or responsibility.

**C. Conducting Town Business.** We will abide by the Open Meeting Law and regulations and see that those requirements are communicated to and followed by all boards and committees within our supervision. In addition, we will adopt procedures to inform individuals serving the town at the request of the Board about the ethics and open meetings laws as well as our expectations for their service consistent with this Code.

We will post our meeting agendas in a timely fashion and in full compliance with the Open Meeting Law so that the public is informed of the matters to be considered at our meetings, the votes that may be taken, and whether or not we will enter and/or return from an executive session. We will be responsive to requests from the public for information to which the public is entitled and will post relevant public data on our website. We will endeavor to communicate openly and honestly and work together on the business of the town.

**D. Relations with Town Administrator and Other Town Employees.** The Board has previously voted to implement the Town Administrator Bylaw setting forth Town Meeting's expectation about the delegation of authority to the town administrator. We will oversee and evaluate the performance of the town administrator and work cooperatively with him or her on the business of the town. We will set policy objectives, while respecting the town administrator's responsibility to administer and supervise

town departments. We understand that our role is primarily one of policy-making and general oversight of the town's executive branch, not one of day-to-day administration of the activities of town boards, departments, and employees. We will set policy goals at least annually and will undertake, direct, supervise, and delegate steps to implement those goals as appropriate. We will establish sound, clearly-defined policies so that the town administrator and staff are well informed as to the Board's expectations and direction.

We will respect and support the administrative chain of command. An individual member cannot make decisions for the Board, so we must work as a group to marshal the resources of the town to address citizens' concerns and needs. In practice, this means that in the event an individual member has a question or receives a complaint, question or concern from citizens or others, we will ordinarily work with the town administrator to get answers to our questions. Frequently it may be the town administrator who responds on behalf of the Board to the public about complaints and concerns. Members may communicate directly with department heads or employees on matters including town business. But individual members will avoid ordering specific actions or the expenditure of town resources or deployment of town employees because such instructions may be issued only by the Board as a whole or by the town administrator. Direct requests to town employees may have the unintended effect of hindering the effective function of the town and its departments, so board members will usually work through the chain of command to enlist the support and skills of town employees in addressing the needs of the community. Since it is important for all of us to be fully informed on matters affecting the town, we will (subject to any applicable confidentiality restriction) individually and as a Board share relevant information we have obtained ourselves or received from other sources with the town administrator and the town administrator will likewise keep members of the Board informed.

As provided by Hingham Bylaws and delegated by this Board, the town administrator has the authority for the general administration of town departments and specifically for the hiring, supervision and discipline and termination of all town employees except those hiring and termination decisions reserved to the Board under the Bylaw. We recognize the division of authority and we will support and cultivate an environment of professional growth within all town departments. We understand that town employees work for the town and not for the Board itself. We further understand that the staff of the Selectmen's Office provides support to the Board as a whole. We will treat all employees as professionals, with clear, honest communication that reflects respect for the employee's abilities and experience and the dignity of the individual.

**E. Relations with Members of the Public.** We encourage the public to communicate to us their questions, comments, constructive criticism, and suggestions about all aspects of town government and about our individual and collective performance. We suggest that with respect to specific operational concerns, citizens initially communicate directly with town departments or employees and/or with the town administrator. In the event the matter is not addressed satisfactorily, a citizen should feel free to communicate with the board or an individual selectman. Members will ordinarily field such complaints by asking the town administrator for a report (except for issues involving the town administrator personally, which will be dealt with pursuant to town personnel policies), with any additional investigation to be determined in the discretion of the Board. We will develop a protocol with the town administrator to receive complaints, questions or concerns from the public which protocol shall include an expectation that all members of the Board be informed of significant issues, that the town administrator set out a timeline for a response, and that each Board member be informed of the resolution or response in accordance with the established protocol. We intend to be responsive and

accountable for our stewardship of the town and welcome all information, advice, and commentary that will assist us in fulfilling the responsibilities of our office.

### **Conclusion**

It is truly a privilege to serve as a member of the Board of Selectmen for the Town of Hingham. You, the citizens of the town, have placed your faith in us to serve in the best interests of the entire community. This Code is an expression of our expectations of one another and serves as our promise to you that we will strive to the best of our abilities to fulfill our duties as a Board in accordance with the highest standards of governance set by our predecessors since the founding of Hingham in 1635.

### **CITIZEN CONCERN PROCESSING**

Purpose of Policy: It is the purpose of this policy to provide a framework for processing citizen concerns received in the office of the Board of Selectmen/Town Administrator and to provide a method for informing the Board of Selectmen and Town Administrator of the status of the processing of the concern expressed.

#### 1. Receipt of Concern

- a. Citizen concerns received by any Staff member or member of the Board of Selectmen will be logged on the attached Citizen Concern Form.
- b. To the extent possible, all concerns will be logged and transmitted to the appropriate department the day the concern is received, or at the latest, the next work day.
- c. Any correspondence or e-mail (hard copy) received in connection with the concern will be stapled to the Citizen Concern Form.
- d. A copy of the Citizen Concern form will be placed in a central location so members of the Board of Selectmen or Town Administrator can review them at any time.

#### 2. Department Response

- a. Departments to which a citizen concern is referred will consider a response to such matters as their highest priority second only to emergency or extremely urgent issues.
- b. Departments will, to the extent practicable, investigate the concern and issue a response to the citizen via e-mail or letter within 72 hours.
- c. In the event the Department determines the concern requires some form of action, it will schedule that activity for the soonest practicable date, taking into consideration other department work already scheduled.
- d. In the event Department work is scheduled, an e-mail or letter will be sent to the citizen explaining that work is pending and the approximate date for the work to occur; a copy of the e-mail or letter will be sent to the Town Administrator's office as an interim report.

- e. Upon completion of the work, the Citizen Concern Form will be completed and returned to the Town Administrator's office.

**Citizen Concern Form**

Name of Citizen: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Employee Receiving Complaint \_\_\_\_\_

Department Referred To: \_\_\_\_\_

Brief Description of Concern (attach letter/e-mail received and any extra pages needed to relate details of the concern):

\_\_\_\_\_  
\_\_\_\_\_

Response/Action taken by Department (attach response letter/e-mail or extra page if needed to describe response):

\_\_\_\_\_  
\_\_\_\_\_

Date of Department Action/Response: \_\_\_\_\_

Person Completing Department Response: \_\_\_\_\_

Final Review by Town Administrator Acknowledged: \_\_\_\_\_

Date of Final Review: \_\_\_\_\_

**COMMITTEE ATTENDANCE POLICY**

Regular attendance at meetings is an important part of a committee member's responsibilities. Committee members shall not miss three consecutive meetings or a total of four meetings in one year without the permission of the committee chairman. The committee chairman should consult with the appointing authority to replace a member deemed to have vacated his or her position through repeated absences.

## **COMPUTER USE**

(Adopted October 26, 2010)

### 1. Scope of Policy

The Town of Hingham (“Town”) provides information networks and systems in order to allow Town of Hingham government to serve the public more efficiently and effectively.

This policy is intended to provide rules and guidelines concerning the appropriate use of the Town of Hingham’s network (“network”) and systems (“systems”). These “systems” and “network” include, but are not limited to, computer workstations, notebook (laptop) computers, personal digital assistants (PDA’s), computer peripherals (printers, copiers, scanners, etc.), software applications, electronic mail (email), telephones (standard and cellular including Smartphone or Blackberry type devices), facsimile machines (fax), copiers, servers, network infrastructure devices (switches, routers, etc), the Internet, and any Town of Hingham-related content generated or accessed from non-Town systems. Any person using the Town’s network or systems shall be considered a user (“user”) of the network and systems.

Use of the Town’s network and systems shall constitute acceptance of the terms set forth in this Information Network and Systems Acceptable Use Policy (“Policy”), as amended from time to time, and any other related policies issued by the Town. The Town reserves the right to amend this Policy at any time at the discretion of the Board of Selectmen.

Managers, supervisors and department heads are responsible for ensuring that all of their employees using computers have read this Policy and have understood its applicability to their activities.

### 2. Authorization

Whenever an employee is required to obtain authorization according to the terms of this Policy, authorization must be obtained from the Information Technology staff via an electronic mail request to the “Help Desk”.

### 3. Security

All usernames and passwords assigned to a user are for the exclusive use of said user. The user should not divulge his/her password to another person and will be held accountable for activities performed under that username by himself/herself or any person subject to disciplinary action(s). No one may use another username not assigned to him/her. Passwords should not be made available to any other person, including but not limited to any written or printed material near the user’s system.

All users are expected to undertake precautions to prevent infection of the Town network and systems by computer viruses, malware, and other applications, programs and websites deemed by the Town (including its Manager of Information Systems) to be harmful and/or unsafe. Accessing or disseminating disreputable, harmful and/or unsafe websites, programs or files will increase risk to viruses and malware. In particular, executable programs must not be downloaded or imported from other websites or sources to the Town network and/or systems or otherwise used unless the Manager of Information Systems has authorized (see “Authorization” – Section 2) them and they have been subjected to virus or malware detection and any other applicable security procedures. The Board of Selectmen may, from

time to time, impose additional restrictions or regulations on the importing of remote files, and such restrictions or regulations shall be considered part of this Policy.

#### 4. Privacy

Any information stored, accessed, browsed and/or created on the Town's network and/or systems should not be considered private by the user. This includes, but is not limited to, any and all electronically stored information and electronic files, electronic mail communications, Internet website history, text messages, telephone (standard and cellular) call history, and voicemail. All aspects of Town network and systems usage by a user is subject to monitoring (see Monitoring – Section 5), the Massachusetts Public Records Law, and legal discovery, as applicable.

Subject to certain exceptions in the law, electronic mail, telephone call history, voice mail messages, text messages, and other electronically stored information and electronic files are considered public records subject to potential disclosure under the Massachusetts Public Records Law and its record retention policies (see "Records Retention – Section 8) and may be subject to legal discovery. Employees should NOT expect that electronic mail messages (even those marked "Personal") are private or confidential.

#### 5. Monitoring

The Town may monitor a user's Town provided system at any time and the user consents that such monitoring shall not constitute an invasion of his or her privacy.

#### 6. Internet/Electronic Mail Content

Users of the Town's network and systems should be aware that content on some Internet websites or contained in "spam" electronic mail may be offensive to some people and/or inappropriate for the workplace. Efforts have been put in place to minimize access to offensive websites and electronic mail by using website content and spam filtering devices. However, filtering is not 100% accurate and occasionally, offensive material may enter the Town's network and systems.

#### 7. Acceptable Use

The Town's network and systems are provided at the expense of the Town and are to be used to conduct Town business.

Telephones (including cellular phones) are provided for business use. Personal telephone calls may be permitted, but users should exercise good judgment in making such calls. Managers, supervisors and department heads are responsible for monitoring their employees' telephone usage.

#### 8. Records Retention

Electronic mail/text messages, electronic files, and other electronically stored information concerning official Town business are generally considered "public records" that are subject to disclosure under the Massachusetts Public Records Law, unless an exemption applies. [M.G.L. c. 66, § 10; M.G.L. c. 4, s. (26)] Public records include all "books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or



characteristics, made or received by any officer or employee . . . " of the Town, unless such materials are exempt from disclosure under the Massachusetts Public Records Law. [M.G.L. c. 4, s. 7(26)]

Like all other correspondence dealing with official Town business, electronic mail messages must be printed and filed in accordance with existing public record filing procedures and retention standards. In addition, electronic mail/text messages and electronically stored information should be retained in an electronic format as required by the Massachusetts Public Records Law. Please consult the Public Records Division of the Office of the Secretary of the Commonwealth for details regarding how this law affects your particular file, document, electronic mail/text message, or record.

## 9. Prohibited Use

This Policy sets forth general guidelines and examples of prohibited uses of the Town's systems and network for illustrative purposes, but does not attempt to identify all required or prohibited activities by users. Questions regarding whether a particular activity or use is acceptable should be directed to the Town Administrator, Manager of Information Systems, and/or Human Resources.

Prohibited items/actions include any use which:

- Violates existing federal, state, local laws or regulations, Town policies, or the laws of any other nation;
- Discloses confidential information;
- Displays any kind of image or document that is obscene, pornographic, sexually explicit, or sexually suggestive. Additionally, these materials may not be archived, stored, distributed, edited, or recorded using the Town systems or network, or Town printing or computing resources;
- Transmits (e.g., uploading, downloading, transfer of files from one device to another, distribution or creation) copyrighted, trademarked, or patented material, or information that is confidential or private without the express, written consent of its owner;
- Transmits (e.g., uploading, downloading, transfer of files from one device to another, distribution or creation) sexually explicit or pornographic materials;
- Disguises, falsifies, sends or stores sources of electronic mail or other electronic communications with the intent of misleading, defrauding or harassing others;
- Relates to gambling;
- Promotes personal political beliefs, private financial gain, or is for commercial, advertising or solicitation purposes;
- Sends unsolicited bulk electronic mail, "spam", chain letters or distributes unsolicited material;
- Enables unauthorized third parties to access the Town's network and/or systems;

- Attempts to access Town computer information without proper authorization (see “Authorization” – Section 2);
- Attempts to evade, disable, or "crack" passwords or other security provisions of systems and/or users on the network;
- Intentionally develops or uses programs which disrupt others’ use of computers and networks, and/or damages software or hardware belonging to others;
- Connects to the Internet, or sends electronic mail, through an anonymous proxy server or similar conveyance designed to obfuscate the user’s identity or to circumvent a firewall;
- Deliberately propagates any virus, worm, “Trojan-horse”, trap-door or back-door program code, or knowingly disables or overloads any computer system, network, or circumvents any system intended to protect the privacy or security of another user;
- Attempts to circumvent the Town’s or any other secured system or network (commonly referred to as “hacking”);
- Uses a device (such as a telephone or laptop) while operating a motor vehicle except by Public Safety employees as required in the performance of their job;
- Uses social networking sites (such as, but not limited to, Twitter, Facebook, LinkedIn) during work hours or from the Town’s network or systems;
- Distributes false or libelous information pertaining to the Town or its employees via social networking or other web sites at any time;
- Includes excessive usage of the Town’s network or systems for non-business related purposes;
- Misuses telephones to make harassing or threatening calls;
- Connects/Installs ANY device to the Town’s network or systems including external hard drives or flash memory devices without authorization (see “Authorization” – Section 2);
- Installs ANY software on any Town system or network without authorization (see “Authorization” – Section 2);

Unlawful or unauthorized use of the Town of Hingham's network and systems may increase costs and expose the Town and/or the individual user to significant legal liabilities.

## 10. Violations

Failure to comply with the Town of Hingham Information Network and Systems Acceptable Use Policy may result in either the suspension or permanent loss of the privilege to use the Town’s network and systems, and may also result in disciplinary action being taken against the employee, up to and including termination from employment. Additionally, users shall be personally liable for any losses, costs or

damages incurred by the Town related to violations of this Policy. Similarly, the illegal use of the Town's network and systems may result in referral to law enforcement authorities. Employees shall report violations of this Policy to their supervisor or, in the case of department heads, directly to the Town Administrator and/or Human Resources. Retaliation against another user for reporting a violation or violations of this Policy, including the use of electronic mail or the Internet in a retaliatory manner, is strictly prohibited by the Town of Hingham.

**Agreement**

I have received a copy of the Town of Hingham's Information Network and Systems Acceptable Use Policy and agree to abide by its terms. I recognize and understand that the Town of Hingham's network and systems, included, but not limited to, computer workstations, notebook (laptop) computers, personal digital assistants (PDA's), computer peripherals (printers, copiers, scanners, etc.), software applications, electronic mail (email), telephones (standard and cellular including Smartphone or Blackberry type devices), facsimile machines (fax), copiers, servers, network infrastructure devices (switches, routers, etc), and the Internet, are to be used for conducting Town of Hingham business.

I specifically understand that all information that is maintained, transmitted or input into these systems and network (whether by employee or someone outside of the Town of Hingham) is not personal and private information, but is public information available to the Town of Hingham. I understand and consent that the Town of Hingham explicitly reserves the right to monitor, review and print out any information stored or transmitted on the Town of Hingham's systems and network of any kind and at any time.

I understand that violations of this Town policy may subject me to disciplinary action.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Printed Name: \_\_\_\_\_

Human Resources Signature \_\_\_\_\_ Date: \_\_\_\_\_

**CORRESPONDENCE REQUIRING RESPONSE**

Purpose of Policy: It is the purpose of this policy to provide a framework for processing correspondence received in the office of the Board of Selectmen/Town Administrator which requires a response and to provide a method for informing the Board of Selectmen and Town Administrator of the status of who is responding and when the response is completed.

- 1. Receipt of Correspondence
  - a. Correspondence which requires a response will be logged into the attached Correspondence Log and a copy of the letter will be included in the folder.
  - b. A copy of the Correspondence Log will be placed in a central location so members of the Board of Selectmen or Town Administrator can review it at any time.

- c. Members of the Board of Selectmen or the Town Administrator will identify those items to which they intend to respond.

2. Department Response

- a. The date and manner of response and initials of the respondent will be entered into the log.
- b. The Administrative Secretary will review the Correspondence Log prior to the weekly meeting to identify any items of correspondence still awaiting a response.
- c. Any open items will be brought to the Board's attention during the meeting as correspondence items. At this time the Board may delegate an individual to respond.
- d. Monthly correspondence logs will be filed in the Selectmen's Office.

**COUNSEL FOR THE TOWN**

(Amended May 24, 2012)

No department head shall seek the advice of Counsel for the Town on any Town matter unless he or she receives prior permission from the Board of Selectmen. All requests shall be submitted in writing and shall contain a synopsis of the matter to be discussed.

The department head is not required to receive approval from the Board of Selectmen each time he or she is to consult with Counsel for the Town on a particular matter provided original approval on the subject was granted by the Board of Selectmen to the department head on the subject.

The Town Administrator is authorized to approve use of Counsel on matters estimated not to exceed \$5,000. (Added May 24, 2012)

**DESIGNER SELECTION PROCEDURES**

(Adopted August 23, 2001)

The Board of Selectmen has adopted the following procedures in connection with the selection of design services for building construction, renovation, alteration, remodeling and repair projects, the estimated cost of which exceeds \$100,000.

1. The department that will award and administer the design contract (the awarding authority) will determine the nature and extent of the design services required for the project and will develop the project criteria required under #3 below. A copy of the Request for Proposals (RFP) shall be provided to the Board of Selectmen for review prior to public advertisement.
2. The Request for Proposals (RFP) will be publicly advertised in a newspaper of general circulation and in the Central Register. Applicants will have at least two weeks to submit proposals.
3. The RFP will provide the following detailed information:
  - a. a description of the project, the specific designer services sought, the time allotted for

- completion, and may include estimated construction cost;
  - b. when and where the program prepared for the project will be available for inspection by applicants, or a statement that there is no program beyond the information in (a) above;
  - c. the qualifications required of applicants for the project;
  - d. the categories of designers' consultants, if any, for which applicants must list consultants they intend to use;
  - e. whether the fee has been set or will be negotiated. If the fee has been set, its amount must be stated as a total dollar amount, not a percentage. If the fee is to be negotiated, the awarding authority may set a not-to-exceed amount;
  - f. the deadline for submission of proposals;
  - g. the person and address to which proposals should be sent;
  - h. any other pertinent information.
4. A committee may be appointed by the awarding authority to evaluate proposals and select the finalists. The committee may include one or more public members; and professional members (architects and engineers) who may be in-house staff or members of the general public. The evaluation of proposals and the selection of finalists may also be delegated to professional staff. (Henceforth "committee" may also indicate the awarding authority or its professional staff.)
5. The selection of the finalists will be based on the following criteria;
- a. prior similar experience;
  - b. past performance on public and private projects;
  - c. financial stability;
  - d. identity and qualifications of the consultants who will work with the applicant on the project; and
  - e. any other criteria that the committee or awarding authority considers relevant for the project.
6. Applicants or finalists may be required to:
- a. appear for an interview before the committee,
  - b. present a written proposal to the committee, or
  - c. participate in a design competition held by the committee.
7. When the committee has required that applicants list consultants which they intend to use, any

changes in, or addition to, consultants names in the application must be approved by the awarding authority and reported to the committee with a written statement by the designer or construction manager of the reasons for the change. In no event may a consultant be used who is debarred pursuant to Chapter 149, Section 44C or disqualified pursuant to Chapter 7, Sections 38F(c) or 38H(g).

8. The committee may select at least three finalists from among all applicants and transmit the list to the awarding authority. The list will rank the finalists in order of qualification, provide a record of the final vote of the committee on the selection, and include a written statement explaining the committee's reasons for its choice and its ranking of the finalists. The list will be a public record. The committee shall transmit to the awarding authority all material made or received relating to such recommendation.

9. If the fee for design services has been set by the awarding authority prior to the selection process, the awarding authority will select the designer to be awarded the contract from the list submitted by the committee. If a designer other than the one ranked first is selected, the awarding authority shall file a written justification with the committee.

If the fee is to be negotiated, the awarding authority shall review the list transmitted by the committee, and may exclude any designer from the list with a written explanation of the exclusion. The awarding authority shall then appoint a designer based on successful fee negotiation among the remaining finalists in order of rank. In no event may a fee be negotiated which is higher than a maximum fee set by the awarding authority prior to selection of finalists. Should the awarding authority be unable to negotiate a satisfactory fee with any designer initially selected as a finalist by the committee, the committee shall recommend additional finalists in accordance with the statutes.

10. The design contract shall state the fee as a total dollar amount. The contract may provide for equitable adjustments in the event of changes in scope or services.

11. Awarding authorities may allow a designer who conducted a feasibility study to continue with the design of a project, if the authority commissions an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility designer's work to insure its reasonableness and its adequacy prior to allowing the designer to continue on said project and if there are financial benefits to the town. Such review and reviewer will be in accordance with statute or regulation, if applicable. The review of a state agency with oversight or approval of a project may be sufficient for the purposes of this paragraph. Any decision to retain the same designer to proceed from a feasibility study to project design must be preceded by public advertisement of an RFP for the project design work, either as part of the initial RFP or separately.

12. Every contract for design services awarded shall include:

- a. certification that the designer or construction manager has not given, offered or agreed to give any gift, contribution or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
- b. certification that no consultant to or subcontractor for the designer or construction manager has given, offered or agreed to give any gift, contribution or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a

contract by the designer or construction manager;

- c. certification that no person, corporation or other entity, other than a bonafide full time employee of the designer or construction manager, has been retained or hired to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and
- d. certification with respect to contracts which exceed ten thousand dollars (\$10,000) or which are for the design of a building for which the budgeted or estimated construction costs exceed one hundred thousand dollars (\$100,000), that the designer has internal accounting controls as required by Chapter 30, Section 39R, and that the designer will:
  - (1) maintain accurate and detailed accounts for a six year period after the final payment;
  - (2) file regular statements of management concerning internal auditing controls;
  - (3) file an annual audited financial statement; and
  - (4) submit a statement from an independent certified public accountant that such CPA (or public accountant) has examined management's internal auditing controls and expresses an opinion as to their consistency with management's statements in (2) above and whether such statements are reasonable with respect to transactions and assets that are substantial in relation to designer's financial statements. General Laws, Chapter 7, Section 301 (e).
- e. a requirement that the designer at his/her own expense obtain and maintain a professional liability insurance policy covering negligent errors, omissions and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of such contracts for design services. The awarding authority may require a consultant employed by a designer subject to this subparagraph to obtain and maintain a similar liability insurance policy. The total amount of such insurance shall at a minimum equal the lesser of one million dollars (\$1,000,000) or ten percent (10%) of the project's estimated cost of construction, or such larger amounts as the public agency may require, and shall cover the applicable period of limitations. A designer required by the public agency to obtain all or a portion of such insurance coverage at his own expense shall furnish a certificate or certificates of insurance coverage to the public agency prior to the award of the contract.
- f. contracts for design services shall include a provision that the designer or his consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the executive head of the public agency responsible for administering the design contract.
- g. any person contracting with a municipality must certify in writing that he or she has complied with State tax laws, (G.L. c. 62C, S49A), and the name of the designer awarded the contract must be published in the Central Register. The awarding authority may request a copy of the Division

of Capital Asset Management (DCAM) Standard Design Contract to use as is or modify. Contracts for design services may include a requirement that the designer be responsible for overseeing the construction phase of the project.

13. In the selection of applicants to perform design services the following records will be kept by the awarding authority:

- a. all information supplied by or obtained about each applicant;
- b. all actions taken by the committee relating to any project;
- c. all actions taken by the awarding authority relating to any project.

These records will be available for inspection by the State Designer Selection Board, and Board of Selectmen.

14. No vote of selection of designer shall be valid until authorized to proceed by the Board of Selectmen.

15. No member of the committee shall vote in the selection of a designer as a finalist for any project if the member or any member of his or her immediate family:

- a. has a direct or indirect financial interest in the award of the design contract of any applicant;
- b. is currently employed by, or is a consultant to or under contract to an applicant;
- c. is negotiating or has an arrangement concerning future employment or contracting with any applicant; or
- d. has an ownership interest in, or is an officer or director of, any applicant.

16. All applicants will be required to submit an application on a DCAM Form (copy attached). If the awarding authority requires additional information, all finalists will have an equal opportunity to submit additional information.

**DOG RETRIEVAL FROM PLACE OF CONFINEMENT**

1. Dog owners retrieving their animals from place of confinement are required to pay the following at time of pick-up:

Reclamation Fee		\$15.00
License Fee (if unlicensed dog)	\$8.00 or	\$15.00
Late License Fee (if any)		\$15.00
Boarding Fee		As determined by kennel

2. The total amount due is payable by check only made out to the TOWN OF HINGHAM.



3. The only exception to the above is in the case of boarding fees which may be paid either in cash or by separate check made payable to the kennel holding the animal.
4. Receipts shall be issued to the person picking up the animal specifying the amounts paid for each of the above fees.
5. If license fee is paid, owner may receive a valid one year license by presenting receipt to the Town Clerk's Office at the Hingham Town Hall.

## **DRUG AND ALCOHOL POLICY**

Revised 06/24/2014

### **PURPOSE AND SCOPE**

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 U.S. Department of Transportation (DOT) regulations, issued under the Omnibus Transportation Employee Testing Act of 1991, and in accordance with the Drug-Free Workplace Act of 1988.

#### **Section 1. GENERAL POLICY REGARDING DRUGS AND ALCOHOL IN THE WORKPLACE**

(This section applies to all employees of the Town of Hingham whether or not they are also subject to the requirements of the Omnibus Transportation Employee Testing Act of 1991.)

The Town of Hingham has a strong commitment to its employees to provide a safe work place and to establish programs promoting high standards of employee health. Consistent with the spirit and intent of this commitment, the Town of Hingham has established this policy regarding drug and alcohol use or abuse. Our goal will continue to be one of establishing and maintaining a work environment that is free from the effects of alcohol and drug use.

A. The Town of Hingham 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 Hingham discourages users of illegal drugs and misusers of legal drugs, including alcohol, from seeking employment with the Town and encourages the rehabilitation of such persons already in its employ.

B. Employees of the Town of Hingham are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent it in a responsible fashion. While the Town of Hingham has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in a condition to perform their duties. The Town recognizes that employee off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and on our ability to accomplish our goal of providing an alcohol-free and drug-free work environment.

1. 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 property is an offense warranting disciplinary action up to and including termination.

2. Employees who are under the influence of alcohol, either on the job or when reporting for work, or who possess or consume 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 practice, such conditions will be proper cause for disciplinary action up to and including termination of employment.

3. Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor if any prescription drug is likely to have an impact on their job performance. In addition, notification must be given at the time of any testing or screening as to any drugs or medicine being taken.

4. Any employee, who while on Town 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, will be suspended immediately pending further investigation. If use or possession is substantiated, disciplinary action, up to and including termination will be imposed.

5. Reasonable Suspicion - For the purpose of this policy, reasonable suspicion is determined by a Manager or Supervisor who has been trained in detecting alcohol misuse or drug abuse. Such determination shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Employees who may be tested are those who operate Town vehicles or equipment such as tools, lifts, or any other duty that may pose a safety risk to the employee or others. If an employee's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted. If a test cannot be administered, the employee must be removed from performing safety sensitive duties for at least 24 hours. Testing for drug and alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion and maintaining as much confidentiality as possible for the employee being tested.

6. The Town of Hingham is 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. The Town strongly urges the utilization of the Town-sponsored confidential Employee Assistance Program that may be reached at (800) 333-6624.

7. If at any time an employee volunteers to enter a chemical dependency program, he/she will enter without fear of disciplinary action being taken against him/her as a result of seeking treatment. Such a program is designed to provide care and treatment to employees who are in need of rehabilitation. Details concerning the treatment any employee receives at this program shall remain confidential and shall not be released to the public.

## Section 2. POLICY REGARDING DRUG AND ALCOHOL TESTING FOR EMPLOYEES IN SAFETY-SENSITIVE POSITIONS

## DEFINITIONS

Safety-Sensitive - Or the purpose of this policy, safety-sensitive shall refer to all employees in any department required by the Town to obtain and retain a Commercial Drivers License (CDL).

Reasonable Suspicion - For the purpose of this policy, reasonable suspicion is determined by a supervisor or foreman, who has been trained in detecting alcohol misuse or drug abuse. Such determination shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. If a driver's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted. If a test cannot be administered, the driver must be removed from performing safety sensitive duties for at least 24 hours. Testing for drug and alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. For Department of Public Works drivers and School Bus Drivers reasonable suspicion testing may only be conducted at the discretion of any Manager, Supervisor or Foreman who has been trained in the recognition of reasonable suspicion.

Drivers – All employees that have as a job requirement the possession and retention of a CDL.

A. It is the policy of the Town of Hingham to comply fully with the regulations mandating pre-use drug testing, random, reasonable suspicion and post-accident drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation.

B. Performance of safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.02 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken.

C. Use of illicit drugs by safety-sensitive drivers is prohibited.

## PROCEDURES

A. **Types and Tests:** To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. The following tests are required:

1. Pre-employment (Pre-use) - All applicants for employment in positions requiring CDL (pre-employment), or candidates for transfer or promotion to such a position (pre-use) are subject to screening for improper use of controlled substances.

2. Post-Accident - conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident and for all fatal accidents even if the driver is not cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene. Alcohol and drug tests should be conducted within two (2) hours, but in no case more than eight (8) hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within 32 hours.

3. Reasonable Suspicion - conducted when a trained Manager, Supervisor or Foreman 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. The determination that reasonable suspicion exists to require the employee to undergo an alcohol or drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours. Testing for alcohol and drug abuse must be based upon suspicion that arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with the department head or his/her designee.

4. Random - conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs. Each year, the number of random drug and alcohol tests conducted by the Town must equal at least the number required by DOT regulations. Currently, random alcohol tests conducted by the Town must equal at least 25% of all safety-sensitive drivers and random drug tests must equal at least 50% of all safety-sensitive drivers. DOT regulations may require increased or decreased testing based on actual testing results in the industry.

5. Return to Duty and Follow-up - 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 12 months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following the return to duty.

**B. Conducted Tests:**

1. **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 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 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 specimen's 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 remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver, at his or her own expense, has 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 (THC metabolite)
    - Cocaine
    - Amphetamines
    - Opiates (including heroin)
    - 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. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If the MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative result.
3. **Refusal to Participate:** Any refusal to participate in any of the types of alcohol and or drug tests authorized in this policy will be treated as indicative of a positive result warranting disciplinary action up to and including termination.

C. **Consequences of Alcohol/Drug Misuse**

1. Safety-sensitive employees who have any alcohol concentration (defined as 0.02 or greater) who tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for 24 hours. Depending on the circumstances, disciplinary action will be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04).
2. Drivers who engage in prohibited alcohol or drug conduct (that is, who test positive for alcohol use greater than 0.04 or drug use) must be immediately removed from safety-sensitive functions. Drivers who are serving a probationary period will be terminated immediately. Non-probationary drivers will be offered an opportunity for rehabilitation in accordance with section 3 below. Non-probationary drivers who choose not to avail themselves of this rehabilitation opportunity will be terminated immediately.
3. Drivers who wish to continue employment with the Town of Hingham must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any evaluation and recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). Employees will be placed on non-occupational sick leave or leave without pay status until the treatment period is completed, whichever is appropriate.
4. Drivers who have been evaluated by a substance abuse professional, who comply with any

recommended treatment, who have taken a return to duty test with a result less than 0.02, or a negative drug test and who are then subject to unannounced follow-up tests at the employee's expense, may return to work.

5. Drivers who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy during the next five years will be terminated immediately.

6. Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

**D. Information/Training**

1. All employees must receive a copy of this policy and sign the Confirmation of Receipt (Attachment A). Information about where they may receive assistance for alcohol or drug misuse is also attached to this policy (Attachment D).

2. All supervisory and management personnel in the Department of Public Works and the School Transportation Department 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 foreman 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.

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

4. Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.

5. All recruitment advertising will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.

6. All final candidates for employment will be given a copy of this policy, and be expected to read the policy in its entirety.

**E. Record Keeping**

1. The Town is required to keep detailed records of its alcohol and drug misuse prevention program.

2. Alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the employer, the substance abuse professional and the

MRO. Any other release of this information may only be made with the driver's consent, or in response to a court order.

**F. Pre-employment References**

1. The Town 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: information about a test in which the employee's blood alcohol was 0.04 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.

2. The prospective employee must provide the former employer with a written release allowing the release of this information or he/she will not be hired.

3. If the previous employer indicates 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 he/she has already consulted with a substance abuse professional, already received recommended treatment, and subsequently tested negative in a return to duty test for the former employee.

4. The Town of Hingham must provide the same information to subsequent employers of current/former Town employees when provided with a written release.

**G. Questions** -- Questions about this policy should be referred to the Superintendent of Public Works, the Assistant Superintendent or the Hingham School Business Manager.

H. This Policy is subject to change to comply with DOT regulations.

I. If any part of this policy is determined to be contrary to law, the remainder of the policy shall not be affected.

**EMPLOYEE CODE OF PROFESSIONAL CONDUCT**

Effective date: 06/24/2014

**A: Respectful Workplace**

The Town of Hingham promotes a workplace of mutual respect and appropriate conduct. Employees are expected to take pride in their employment with the Town and shall conduct themselves in a professional manner in the workplace and at all employer sponsored events. This policy outlines expected conduct for all employees. All employees are responsible for ensuring a respectful workplace. Directors and Managers shall enforce this policy with their respective employees.

The way employees conduct themselves at work, traveling on business on behalf of the Town, and representing the Town on business has an effect on co-workers, customers, and ultimately, the Town. Everything we do matters and reflects upon our reputation. By accepting employment with the Town, employees have a responsibility to the Town and to its 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:

- Adhere to Massachusetts General Law (M.G.L.)c. 268A and 268B (Conflict of Interest legislation.)
- Respect for, and appropriate use of the employer's property and property of others.
- Maintain confidentiality – Do not disclose any confidential or personnel information concerning our employees. This includes, but is not limited to complaints, medical information, or the results of internal or external investigations.
- Create and maintain a work environment characterized by cooperation and contribution to the common good of the Town.
- Respect the personal space of others.
- 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.
- Display professional conduct and good manners in words and actions.
- Do not display disrespectful behavior to the public or to co-workers.
- Show enthusiasm, optimism and a team spirit.
- Engage in safe and appropriate behavior at all times.
- Show a willingness to assist others when needed.
- Display honesty, sound ethics, and integrity in all business contacts and decisions.
- Refrain from gossiping and the spreading of rumors.
- Contribute to a safe and sanitary working environment.

The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment. The list is not intended to be exhaustive:

- Behaviors and actions that may be offensive to staff or the public (e.g. bullying, racial or ethnic slurs, sexually harassing remarks, obscene or abusive language, threats, or physical violence) that a reasonable person would find intimidating, humiliating, offensive, or that adversely affect work performance.
- Physically aggressive behaviors and gestures directed at staff or the public that would place a reasonable person in fear, and/or that adversely affects staff work productivity.
- Acting recklessly or in a manner that endangers or could reasonably be expected to endanger the health, safety or welfare of any employee or the public.
- Intentionally interfering with the freedom of movement of another person.
- Theft or inappropriate removal or possession of property.
- Possession of dangerous or unauthorized materials, such as explosives, firearms or other weapons in the workplace.
- Unauthorized use of telephones, mail system or other employer-owned equipment.
- Working under the influence of alcohol or drugs. Any employee taking medication should consult a medical professional to determine whether the medication may affect his or her personal safety or the safety of others or the ability to perform the essential functions of the job and advise supervisor of any job limitations.



- Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty or while operating employer-owned vehicles or equipment.

**B: Workplace Bullying**

Workplace bullying is defined as repeated unreasonable 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.

**Employee Code of Conduct**

Date: \_\_\_\_\_

I have read and understand this policy. I understand that any violation of this policy will be subject to appropriate discipline up to and including possible termination.

Employee Printed Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Department: \_\_\_\_\_

**EMPLOYEE PROCUREMENT**

1. All Town employees are subject to the Massachusetts Conflict of Interest Law (Chapter 268A). Town employees must also strive to avoid any appearance of conflict of interest or impropriety in making purchasing decisions.

2. All goods and services purchased must be delivered to the Town of Hingham. No goods or services may be delivered to an employee's home or other premises.
3. Employees may not use the Town's purchasing system to obtain goods or services for personal use.
4. No employee is allowed to authorize his or her own expense reimbursements. Reimbursable expenses of department heads must be approved either by the Town Administrator or by the appointed or elected boards for their departments.
5. Employees may not purchase goods or services for personal use from vendors from whom they have procured, or recommended the procurement of goods or services for the Town within the past year. This prohibition shall not apply to purchases made under terms and conditions that are generally available to the public at large. In the any case where such a purchase from a vendor to the Town is unavoidable the employee must consult with the Town Administrator and disclose the intended purchase before proceeding with the purchase.

#### **EXECUTIVE SESSION MINUTES – PREPARATION, APPROVAL AND RELEASE**

1. The purpose of this policy is to establish a procedure for the preparation, approval, and release of executive session minutes.
2. The minutes of executive sessions will be prepared in draft form as soon as possible after the session. In the event that more than one privileged matter is discussed at a meeting, each matter shall be the subject of a separate page of minutes. Each page will contain the date of the meeting, those present, and the time at which the matter on that page was taken up, in addition to the usual content required by law.
3. The clerk of the Board shall maintain a folder of executive session meeting minutes which have not yet been reviewed or released. The minutes shall be reviewed by each member of the Board as soon as the draft is ready in the same manner in which regular session minutes are reviewed.
4. When each member of the Board has reviewed the minutes and indicated satisfaction with them as written, the clerk will hold those minutes in a folder of minutes not yet released.
5. In accordance with Massachusetts General Law, minutes shall be released as soon as the purpose for which the executive session was held as been served, unless the attorney-client privilege or an exemption from the Public Records Law applies to exempt disclosure of the minutes." Pages of minutes
6. shall be released as each becomes eligible, even if the remainder of the meeting is still confidential. The clerk of the Board shall review the folder of unreleased minutes weekly and identify any which are no longer confidential according to law. The clerk shall put a vote to approve and release those minutes on the next meeting's agenda.

#### **FEES FOR INDIVIDUALS OR GROUPS USING TOWN PROPERTY**

Individuals or groups using Town property or facilities shall be charged a fee to help defray the cost of

maintaining the property. In some cases, with the approval of the Selectmen, a contribution in kind may be substituted for the fee.

**HMLP SERVICE CONNECTIONS WITHIN THE PUBLIC WAY**

(Adopted March 29, 2012)

From this point forward for excavation work for underground service connections performed from the property line into the public way and for new conduit Hingham Municipal Lighting Plant (HMLP), or its contractor working on their behalf, will be required prior to the commencement of work to obtain a street opening permit from the Hingham Department of Public Works (HDPW). The HDPW will authorize the street opening permit and HMLP may commence its work on the underground service connection within 72 business hours of the permit having been submitted to the HDPW. The HDPW will authorize the street opening permit and HMLP may commence its work on the new conduit within 10 business days of the permit having been submitted to the HDPW. Prior to submitting the permit for new conduit HMLP will meet the HDPW representative to review the proposed location of the new conduit in an effort to avoid possible utility conflicts and to discuss general project coordination. Work in the public way being performed under a street opening permit will be carried out in accordance with the "Standard Guidelines for Street Openings."

**JOB POSTINGS**

All job vacancies will be posted in the various town departments. The locations are as follows:

Town Hall	Library
Police Department	Light Plant
Fire Department	School Administration
Public Works Department	

**JULY 4TH PARADE POLICY**

1. On the 4th of July, in addition to groups, floats and bands invited by the 4th of July Parade Committee, only elected officials may march in the line of the Hingham parade.
2. Candidates for political office are not invited to be part of the parade, and distribution of campaign literature along the parade route is prohibited.

**LIEN REIMBURSEMENTS FROM THIRD PARTY RECOVERIES FOR AMOUNTS PAID OUT TO EMPLOYEES  
INJURED AT WORK**

When the Town has paid wages, medical bills or any other form of compensation or benefits to an employee injured at work, the Town will fully enforce its lien against any amounts recovered by the employee from a third party.

However, where Counsel for the Town and the Board determine that it would be in the best interests of the Town, the Board of Selectmen may consider compromising on its lien reimbursement.

**LIMOUSINES LICENSES**  
(Adopted March 8, 2011)

The following policy applies to Limousine Licensees and Limousine Drivers:

1. No person shall operate, or provide the Town of Hingham any limousine service or other similar transportation service for the conveyance of persons for hire from place to place within the Town of Hingham, from said town to other cities and towns, or from other cities and towns through said town without a license therefore from the Board of Selectmen.
2. After an initial interview of the owner, the Board of Selectmen may grant licenses to such persons as are deemed expedient, to operate and provide limousine services for the conveyance of persons for hire. The owner and all drivers must submit to a CORI check. Every Limousine Licensee so licensed shall pay to the Town the sum of \$50.00 for each vehicle. All such licenses shall expire on the thirty-first day of December.
3. No license granted as aforesaid, shall apply to any vehicle except to the particular one(s) designated therein by its number or otherwise made certain or shall be transferable without the consent of the Board of Selectmen. A Certificate of Insurance is required for every licensed vehicle and all drivers must present a copy of driver's record obtained from the Registry of Motor Vehicles.
4. No licensee shall establish a drop-off or pick-up location under this policy. Licensees shall operate on an "on-call" basis only.
5. No person shall solicit passengers for hire in any street or way of the town and no limousine used for the conveyance of passengers for hire shall stand in any street or way.
6. The Chief of Police, or any person designated by the Chief of Police, shall have authority to examine all limousines for the purpose of determining whether said limousines are in proper condition for their intended use. Said proper condition shall include cleanliness of the inside and outside, the mechanical equipment, attachments, and all conditions of the said limousine to ensure their safe and proper operation.
7. Any person violating any of the provisions of this policy shall forfeit and pay a fine not exceeding \$100.00 for each offense and any licensed owner or driver who violates any provision of this policy shall in addition to said penalty, become liable to forfeit his/her license and be disqualified to hold a license thereafter.

**LIQUOR LICENSE VIOLATIONS**  
(Adopted September 29, 2009)

1. Intent: It is the intent of this policy to provide a process to be followed in the instance the Hingham Police Dep't., ABCC Investigator, or others allege that a violation of an establishment's liquor license has occurred.
2. In the instance that an alleged violation is observed by an Officer of the Hingham PD, the Incident Report will be immediately brought to the Chief's attention.

- a. The Chief will ensure that there are procedures in place within the PD to ensure compliance with 2. above.
  - b. Upon review of an Incident Report that the Chief suspects may require action by the licensing authority, he shall investigate the incident further to determine as much factual evidence as needed to decide if referral to the licensing authority is warranted.
  - c. In conducting his review the Chief may discuss the issue directly with Town Counsel without seeking further approval or authority, or with the Town Administrator.
  - d. If the Chief decides that informal action is required, he may take whatever steps he believes necessary with the license holder.
  - e. If the Chief decides formal action by the licensing authority is required, he will refer the matter, via written memo, to the Town Administrator with a copy to Town Counsel.
3. Forthwith upon receipt of the Chief's recommendation for a hearing the Town Administrator will schedule a hearing and will seek the advice of Town Counsel to prepare a notification letter to the license holder of that hearing, providing at least 14 days advance notice of the hearing.
4. Hearings will be conducted by the Chairman of the Board of Selectmen or his/her designee.
- a. The Chair or designee will open the hearing by reading the notification letter into the minutes and will then announce the format for the hearing.
  - b. Town Counsel will present the Town's case to the Board by presenting testimony of Police Officers and/or witnesses as he deems appropriate.
  - c. Counsel for the license holder shall have the right to cross-examine witnesses testifying for the Town.
  - d. Counsel for the license holder will present a defense by presenting testimony including that of the license holder, manager of record and other witnesses as he deems appropriate.
  - e. Town Counsel shall have the right to cross-examine witnesses presented by the license holder.
  - f. Following the conclusion of Counsels' testimony, the Chairman or designee shall declare the hearing closed.
  - g. The Board will then deliberate in order to determine its findings of fact, if a violation(s) has (have) occurred.
  - h. In the instance that the Board finds that a violation has occurred, it will then deliberate to determine what remedy is appropriate.
  - i. In determining the remedy the Board may consider license modification(s), verbal warning,

written warning, single or multi-day license suspension, license revocation or fines all in accordance with MGL Ch. 138 Sec. 23 as well as ABCC Rules & regulations.

5. The Board's findings of fact, determination of violation and remedy if any, will be set forth in a letter drafted by the Town Administrator or Town Counsel and will be presented to the Chairman for review and signature, with the original sent to the license holder and a copy to the ABCC, Town Counsel, Police Chief, and license file.

### **PLOWING OF PRIVATE DRIVES AND PRIVATE WAYS**

The following policy applies to plowing private ways, which are open to the public, and which are designated annually, to be plowed.

1. **Within subdivisions approved since July 1, 1980**, private ways which have been approved and have been constructed in accordance with the Rules and Regulations of the Planning Board of the Town of Hingham, but are not yet accepted as public ways, **will be plowed for a maximum of three seasons** and are not subject to the conditions contained herein. **However, a private way will not be plowed if a Planning Board decision or a covenant places that responsibility with the homeowners.**
2. Specifically excluded from plowing, are non-municipal multi-unit housing complexes, parking lots, shopping center plazas, areas or malls, and similar areas.
3. The private ways must contain two or more residences in existence and constructed prior to July 1, 1980, with each residence fronting on the private way.
4. The private way must be safe for plowing equipment to enter the area. The road surface of the private way must be paved in a manner acceptable to the Superintendent of Highways and be in good repair and the way must be at least (10) feet in width throughout its entire length.
5. The private way, at the time of plowing, must be clear of vehicles.
6. All owners of property on said private way must sign an agreement releasing and waiving any liability against the Town, its agents, officers, servants or employees, and agreeing to indemnify and hold harmless the Town, its agents, servants, officers or employees, from any damages whatsoever. This agreement must be executed each year.

### **POLICE - CONSTRUCTION DETAILS**

The duties of police officers assigned to construction details are outlined as follows:

1. The police officer is responsible for the safety of the workers within the area assigned insofar as the dangers of highway traffic are concerned.
2. The police officer is responsible for the most efficient and safest movement of traffic through his assigned area.

3. The police officer should keep himself always alert to the dangers of on-coming traffic through his assigned area.
4. If the conditions so warrant, police officers will be responsible for the manual direction of traffic through their assigned areas.
5. The police officer is expected to conduct himself in an efficient manner taking into consideration his appearance and bearing to the general public. When two or more officers are assigned to the same general area, they shall not congregate and be holding conversations with each other.
6. At all times when assigned to a construction detail, the police officer shall be expected to stand outside his vehicle observing oncoming traffic. He shall be positioned ahead of the work area and is not to stand beside the operation and watch the operation rather than the traffic.
7. The police officer is responsible to the contracting department or utility for the performance of his assigned duties. Any conflict in his construction detail duties will be resolved by the contracting department or utility.
8. The police officer shall wear a regulation police uniform and a reflectorized traffic belt or vest in order to provide greater visibility to the public.
9. The police officer is not authorized to stop the operations of the contractor unless the operations constitute a hazard to the safety of the public. Traffic back up does not constitute a hazard in itself. If excessive delays are being caused to the public or an unusual hazard exists, the contracting department or utility should be notified so that they may determine if the contractor's operations must be curtailed.

### **PUBLIC RECORDS POLICY**

It is the policy of the Board of Selectmen that any person has an absolute right of access to public information and that all departments shall be consistent, accurate and timely in their response to public records requests.

This right of access includes the right to inspect, copy or have copies of records provided upon the payment of a reasonable fee.

"Public records" include all documentary materials or data, regardless of physical form or characteristics, which are made or received by any officer or employee of the Town of Hingham. The head of the department that either makes or receives a public record is the "custodian" of that record.

There are, however, eleven narrowly construed exemptions to this broad definition of "public records" which provide bases for withholding records in whole or in part. Where exempt information is intertwined with non-exempt information, the non-exempt portions are subject to disclosure once the exempt portions are deleted.

#### **Requests**

Requests may be oral or written and may be made in person or through the mail. However, custodians should ask for a written request to facilitate a complete and accurate response. A requester is not required

to specifically identify a particular record. The requester should provide a reasonable description of the desired information. A custodian is expected to use his/her superior knowledge of the records in his/her custody to assist the requester in obtaining the desired information.

All requests must receive a response as soon as practicable, without unreasonable delay and always within ten days. The response must be either an offer to provide the requested materials or a written denial. In cases where, due to the time required for a search or the volume of material requested, the fees involved will be substantial, an estimate of the fees should be provided and payment arrangements agreed upon before those costs are incurred. A denial must detail the specific legal basis for the withholding of the requested materials, including a citation to the statutory exemption upon which the custodian relies, and must also explain why the exemption applies. A denial must also advise the requester of his/her right to seek redress through the administrative process provided by the Office of the Supervisor of Public Records. A custodian must receive the concurrence of Counsel to the Town prior to issuing a denial.

This policy only applies to information that is in the custody of the Town at the time the request is received. There is no obligation to create a record for a requester or to honor prospective requests. A custodian may respond to such requests at his/her own discretion.

Inquiries into a requester's status or motivation for seeking information are expressly prohibited. All requests for public records, even if made for a commercial purpose or to assist the requester in a lawsuit against the holder of the records, must be honored.

#### Fees

A copying fee of twenty cents (\$.20) per page will be assessed for any size photocopy of a public record, except those fees specifically governed by statute or by-law. The fee per page for a computer printout is as follows:

1 - 10:	.50
11- 20:	.40
21- 30:	.30
31+:	.20

When the request is for materials that are not susceptible to ordinary means of reproduction, such as plans, photographs or computer tapes and diskettes, the actual cost of reproduction must be assessed to the requester.

The fee for searching for requested records or segregating exempt information from non-exempt information which is contained in a requested record will be based on the hourly rate of the lowest paid employee of the department who is capable for performing the task. In very complex or difficult cases, however, the hourly rate of the lowest paid employee who has the necessary knowledge or experience may be used to determine the fee for "segregation time." "Search time" is defined as the time needed to locate a requested record, pull it from the files, copy it and return it to the files. "Segregation time" is the time needed to delete exempt items from a requested record.

Search time and segregation time shall not be charged for requests that require less than fifteen minutes of work.



## RECYCLED PROCUREMENT POLICY

MISSION STATEMENT: The Town of Hingham, in furtherance of its commitment to recycling, hereby declares that it will purchase items made of recycled materials whenever such products meet its quality requirements and are available at reasonable prices and terms, i.e. when the price for recycled products is within 10% of the lowest responsive virgin material bid.

The Town has set the goal of increasing recycled product purchases by 50% over previous levels by July 2, 1997. In an effort to meet this goal, all Town departments should take the following actions.

1. Procurement personnel should emphasize "buying recycled" when purchasing the following items:
  - a. paper stock (stationery, offset, copier, #10 envelopes, computer paper, etc.) containing a minimum of 20% recovered paper material and a minimum of 20% post-consumer material.
  - b. paper products (towels, napkins, toilet paper, etc.) containing a minimum of 40% post-consumer material (20% for facial tissues).
  - c. office supplies (file folders, hanging folders, etc.) containing post-consumer material.
2. When recycled products are used, reasonable efforts should be taken to label the products to indicate that they contain recycled materials.
3. When departmental stationery is printed, it should be printed on recycled paper as defined above and be labeled as such.
4. Use recycled and recyclable (no plastic windows on envelopes) paper when printing such public documents as: annual budget, annual report, Town Meeting warrants, forms, tax bills, etc.
5. Use recycled paper as defined above in outside print jobs whenever possible.
6. Draft and final reports prepared for the Town under contract should be on recycled paper that meets the Town's definition and be labeled as such.
7. Any copier purchased by Town departments that will be used to make more than 15,000 copies per year should have double-siding capability and the ability to use recycled paper.
8. Encourage employees to conduct waste reduction activities (using mugs instead of paper cups, making double-sided copies, make pads out of scrap paper, reuse paper for draft copies, etc.)

Within 12 months of the adoption of this policy, department heads/administrators shall work with the Town Administrator to determine which plastic products used by the Town are available with recycled content and are within a price range acceptable to the Town. Efforts to purchase such plastic products should begin as soon as possible after they have been identified.

Within 24 months of the adoption of this policy, departments shall work with the Town Administrator to analyze cost, product reliability and usability to determine if there are other recycled products (motor oil,

retread tires, asphalt, etc.) that can be substituted for non-recycled products used by the Town. In addition, the Town Administrator and departments will assess the potential to purchase recycled products in applications where they are not typically used.

### **RETURN TO WORK FROM AN EXTENDED ILLNESS**

A physician's authorization is required prior to the return to work of an employee who has been ill for five (5) days or more. An Extended Illness Report Form has been developed for use by all departments.

### **ROADSIDE SHRINES**

(Adopted March 10, 1999)

The following steps will be taken in the event a roadside shrine to a victim of a motor vehicle accident is placed on a public way or other Town property.

The Town Administrator will contact the family of the deceased through the funeral home to inform them that the shrine must be removed. If the memorial is not immediately removed, the Board of Selectmen will send a letter of condolence to the family which will include a request that the shrine be removed and offering that, as an alternative, a tree be planted somewhere in the Town in memory of the deceased.

If the Board does not receive a satisfactory response to their letter, the Town Administrator will send a final letter just before the 60 day deadline informing the family of the date on which the shrine will be removed by the Public Works Department.

### **ROADWAY SAFETY**

The following policy establishes guidelines for the blocking of a public roadway and the opening of trenches on a public roadway within the town.

1. On heavily traveled roadways when a road opening or equipment use interferes with two free lanes of travel thus causing one lane of traffic to go over into the opposite lane of travel, a police officer will be needed at the site location for the purpose of pedestrian and motor vehicle safety.
2. Cones will be placed around the work area.
3. "Men at Work" signs will be placed at least 500 feet down the roadway in both the oncoming and approaching lanes.
4. The Police (749-1212) and Fire (741-1480) Departments will be notified.
5. When a sub-contractor is hired, the Town department and/or company will notify the contractor of the above policy.
6. If a roadway trench is to be opened, regardless of how small, Dig Safe (1-800-322-4844) will be notified.

Flagmen may be used on roadways not considered heavily traveled. This person must be solely assigned to

traffic/safety.

A list of heavily traveled roadways follows:

Abington St.	Gardner St.	Old County Rd.
Beal St.	G. Washington Blvd.	Otis St.
Broad Cove Rd.	Hersey St.	Planters Field Ln.
Cedar St.	High St.	Pleasant St.
Central St.	Hobart St.	Prospect St.
Charles St.	Hull St.	Research Rd.
Cross St.	Industrial Pk. Dr.	Rockland St.
Crow Point Ln.	Kilby St.	Sharp St.
Cushing Hwy.	Lazell St.	Short St.
Cushing St.	Leavitt St.(Turkey Hill to	So. Pleasant St. (Charles to
Derby St.	East St.)	Main)
Downer Ave.	Liberty Pole Rd.	South St.
East St.	Lincoln St.	Station St.
Elm St.	Main St.	Summer St.
Fort Hill St.	Martins Ln.	Thaxter St.
Fottler Rd.	Middle St.	Union St.
Free St.	New Bridge St.	Ward St.
French St.	North St.	Water St.
Fresh River Ave.		West St.
Friend St.		Whiting St

#### **ROUTINE REQUESTS**

The staff in the Selectmen's Office shall approve routine requests such as temporary signs and use of the bandstand.

#### **SEAT BELT**

All employees of the Town of Hingham are required to wear seat belts while operating or riding in Town-owned vehicles.

#### **SMOKE FREE WORKPLACE POLICY**

Smoking is prohibited inside all Town buildings, with the exception of the lounge, restaurant and function rooms at the South Shore Country Club which are leased to a private vendor and separately regulated by the Board of Health. Smoking is not allowed in offices, hallways, restrooms, lunchrooms, elevators, meeting rooms and all common areas, within 15 feet of building entrances and in all Town owned vehicles.

#### **STORMS AND OTHER EMERGENCIES**

The following policies shall be applicable if a snowstorm, hurricane or other related emergency occurs:

1. All employees shall report to work on a day which it snows or storms unless notified, via telephone call,

that the Town Offices will be closed.

2. If the normal workday has commenced, department heads and employees will be notified by the Town Administrator, after consultation with the Chairman of the Board of Selectmen, if the Town Offices will be closing due to a storm.
3. No department head shall close his/her office or allow employees to go home unless authorized to do so by the Town Administrator.
4. Any employee who fails to come to work on a day that the Town Office Building remains open, despite a storm, shall not be paid for that day unless said employee had previously received authority to take vacation, personal leave or compensatory time on said day. An employee shall not receive authorization to take vacation, personal leave or compensatory time off based upon the occurrence of the storm.
5. Employees in essential departments (Police, Fire, Public Works, Switchboard, Harbormaster, Civil Defense, Selectmen, Board of Health, Building and Council on Aging) may be regarded as emergency employees in nature, and may be required to remain at work during a storm or other emergency situation. Such employees will receive their normal compensation in such instances.

#### **SUSPENSION OF PARKING REGULATIONS**

Parking regulations for Union, Downing, Pleasant, Stoddard and Fontainbleau Streets will be suspended on the following dates:

- Town Meeting (April) and Special Town Meetings
- High School Graduation (June)
- Fourth of July
- High School Open House (October)
- Coastline College Night (April every fourth year)

The Police Department will take appropriate actions should parked cars inhibit access by emergency vehicles.

#### **ROLE OF THE TOWN ADMINISTRATOR**

(Adopted April 2, 2002)

##### Chief Administrative Officer

In accordance with C.41 §23A of the Massachusetts General Laws, the Town Administrator is hereby designated the Chief Administrative Officer of the Town of Hingham and is responsible for the administration and supervision of all town departments and appointed personnel under the jurisdiction and control of the Board of Selectmen.

##### Budget Authority

The Town Administrator shall prepare, develop and assemble the Town operating budget for all non-

School Departments and accounts. Following the development of the budget, the Town Administrator shall submit the entire document to the Board of Selectmen for review. Any alterations formally approved by the Board of Selectmen shall be incorporated in the budget document by the Town Administrator and forwarded to the Advisory Committee.

#### Personnel Authority

The Town Administrator shall appoint, based upon merit and fitness alone, discipline and remove subject to the provisions of the General Laws and Town By-Laws where applicable, positions in departments under the jurisdiction of the Board of Selectmen except for department heads and positions governed by Civil Service. The Town Administrator shall act as hearing officer for appeals of Civil Service disciplinary suspensions of five days or less and act on the Board's behalf for step 2 grievances. Appointments to positions made by the Town Administrator shall be submitted at least three days before a regularly scheduled meeting of the Board of Selectmen and shall become effective at the close of that meeting unless the Board of Selectmen, by a majority of all members, votes to reject any such appointment. The Town Administrator shall consider the recommendations of department heads, committees and commissions when making appointments within their respective areas. The Town Administrator shall be responsible for the initial screening of all applicants and recommend to the Board of Selectmen finalists for department head positions under the jurisdiction of the Board of Selectmen. The Town Administrator shall submit a complete outline of the recruitment process to the Board of Selectmen when a vacancy in a department head position occurs.

The Town Administrator shall supervise all department heads and employees under the jurisdiction of the Board of Selectmen. The Town Administrator shall conduct performance evaluations for department heads. Said reviews shall be conducted at least annually and shall form the basis for all salary increases. The Town Administrator shall oversee the performance evaluation program conducted by department heads for their subordinates.

#### Procurement Authority

The Town Administrator shall be the Chief Procurement Officer for the Town of Hingham. The Town Administrator shall exercise full authority for procurement as provided under Chapter 30B of the Massachusetts General Laws. The Town Administrator shall be responsible for the purchase of all supplies, materials and equipment, and shall have the authority to award and sign all contracts up to \$50,000, in addition to all MassHighway contracts and state grants. Any contract over \$50,000 shall require the approval of the Board of Selectmen. The Town Administrator shall have the authority to sign all contracts approved by the Board of Selectmen on behalf of the Town. All contracts and grants signed by the Town Administrator shall be reported, in writing, to the Board of Selectmen.

### **TOWN VEHICLES**

(Adopted November 6, 2014)

#### Purpose

This policy sets forth responsibilities for the management, operation, maintenance, uses and reconciliation of vehicles owned and/or operated by the Town of Hingham. Vehicles, for the purpose of this policy, shall

include all vehicles owned or leased by the Town as well as those provided to the Town via contractual agreements. It is the Town's intent to establish herein strict limitations on the use of Town vehicles. All employees are obligated to comply with all laws, rules and regulations concerning the operation of motor vehicles at all times. The Board of Selectmen retain the discretion to amend this policy as needed.

#### General Use of Vehicles

Town vehicles shall only be used to conduct Town business by authorized employees defined herein. Vehicles may be utilized to conduct business off and on Town property. Employees will be held accountable for using these vehicles exclusively within the scope of their responsibility.

Under no circumstances shall a temporary employee, intern or contractor be allowed to operate a Town vehicle unless express written permission is provided by a Town Department Head and approved by the Town Administrator or designee. It is strictly forbidden to carry passengers not affiliated with official Town business in a Town vehicle.

The use of Town vehicles for illegal purposes or in a manner which violates the law or Town policy and/or for personal business is prohibited. To use or knowingly allow a vehicle to be used for these purposes shall be met with immediate disciplinary action up to and including discharge. The use of radar detectors in Town vehicles is expressly forbidden. It is required that any violation of law involving a Town vehicle, whether it be a minor traffic violation or a more severe offense, be reported to the Town Administrator and the employee's immediate supervisor at the time the incident occurred.

Illegal purposes shall also include, for the purposes of this policy, operating the vehicle in a manner which could damage or diminish the life of said vehicle.

Employees must operate Town vehicles in accordance with the owner's manual. A valid registration shall be kept in the vehicle at all times.

Employees must operate Town vehicles within posted speed limits and observe all rules of the road.

#### Vehicle Storage

All Town vehicles, unless otherwise allowed for within this policy, shall be garaged at authorized locations on Town property from which employees and work assignments are regularly dispatched.

#### Travel

Under no circumstances are Town vehicles allowed out-of-state without the prior written approval of the Town Administrator.

#### Accidents

All accidents involving vehicles owned, operated or leased by the Town must be reported immediately. Vehicles for the purpose of this section include trucks, cars, utility vehicles and vans owned, operated or leased by the Town. Therefore, the driver of the vehicle who is involved in an accident MUST:

- Immediately notify the Town Administrator
- Complete a Town Vehicle Accident Report within twenty-four (24) hours and return the form to the Town Administrator.

Whenever the driver of a Town vehicle is unable to complete the form immediately following the accident because of injuries sustained, a Town Vehicle Accident Report, marked “preliminary” must be completed and submitted by the employee’s immediate supervisor. A complete final report must also be submitted by the employee immediately upon return to work. Copies of both the preliminary and final reports are to be submitted to the Town Administrator.

Operators of Town vehicles are required to submit a Town Vehicle Accident Report within twenty-four (24) hours of any accident, regardless of whether or not injuries were claimed or Town property was damaged. Department Heads will review all accident reports prior to transmittal to the Town Administrator. Further investigation will be conducted by the Hingham Police Department when operator negligence is indicated. A final report will be submitted to the Town Administrator where revocation of vehicle operating privileges will be considered. The Town Administrator will be advised, when necessary, of these determinations and any further disciplinary action required.

#### Use of Seat Belts, Smoking and Bumper Stickers

- As a matter of policy and according to State law, seat belts must be worn by employees operating Town vehicles.
- Smoking within a Town vehicle is not permitted.
- Bumper stickers, or any other decorations, are not permitted inside and outside the Town vehicle unless approved by the Town Administrator.

#### Valid Driver’s License

All employees operating a Town vehicle are required to possess a valid Massachusetts driver’s license and submit a copy of the license to the Town Administrator or designee. Department Heads are responsible for ensuring that all employees operating a Town vehicle possess a valid Massachusetts driver’s license and a copy is on file with the Town Administrator or designee prior to the employee operating the vehicle. Operating a Town vehicle without a valid Massachusetts driver’s license will/may result in the revocation of Town vehicle privileges and progressive discipline up to and including discharge. Should any employee lose their right to operate a motor vehicle at any time for any reason, the employee must immediately notify their Department Head in writing concerning the circumstances of the employee’s license loss or suspension.

#### Domicile Parking – “Take-Home Vehicles”

Employees who, as part of their job responsibilities, are required to be on-call outside their regular work schedule and, as such, are expected to respond to a Town emergency, accident or for other Town compelling work-related need may be authorized to drive their Town vehicle between their home and their work place and to garage the vehicle at their domicile. Examples of reasons for having employee’s on-call are listed below. To be eligible, an employee must acknowledge in a signed written statement that he/she has read and having read and agrees to abide by the Town’s Vehicle Use Policy, which states, in part, that

Town vehicles may be used only for Town work-related matters and are not for personal use. Authorization must be requested in writing by the employee's Department Head, with the reasons for the request stated and the request forwarded to the Town Administrator. Final approval must be in writing signed by the Town Administrator. If an employee is removed from on-call, the Department Head must notify the Town Administrator and authorization shall be cancelled.

**EMERGENCIES**

WEATHER  
 FIRE/SMOKE  
 ELECTRICAL  
 MECHANICAL  
 STREET/ROAD INSPECTION  
 VEHICLE EQUIPMENT INSPECTION  
 SAFETY INSPECTION  
 NIGHT OPERATION  
 SNOW EMERGENCY  
 PUBLIC MEETINGS/HEARINGS

**ACCIDENTS**

RAIL  
 INDUSTRIAL  
 POWER/ELECTRICAL  
 INVESTIGATION  
 UNSCHEDULED EVENTS  
 COMMUNITY MEETING  
 VEHICLE TESTING  
 EQUIPMENT TESTING

**PUBLIC SAFETY**

POLICE DUTIES/RESPONSIBILITIES  
 FIRE DUTIES/RESPONSIBILITIES

- Responsibility

Determination of Domicile Parking ("Take-Home Vehicles") will be made by the appropriate Department Head and approved by the Town Administrator. For the purpose of this policy, domicile will be the home address of an assigned operator who is authorized to garage their business vehicle at their home in the interest of Town business and which address is registered with the Town Administrator. The assigned operator is responsible for notifying the Town Administrator of a change of address.

- Internal Revenue Services' (IRS) Requirements

Although this directive prohibits the personal use of a company vehicle, Internal Revenue Regulations mandates that all employees treat the value of any commuting use as a taxable fringe benefit. The value of an employee's personal/commuting use is treated as non-cash compensation paid to the employee and, as such, is subject to income tax.

Since Town vehicle commuting usage must be reported for tax purposes, the Town will compute the value of the employer-provided company vehicle using the lowest amount allowed for commuting under IRS rules.

All employees who are permanently assigned a Town vehicle with domicile privileges will be assessed this amount in non-cash compensation, taxable fringe benefit. This imputed income will be reported, along with all other taxable fringe benefits, on a separate W-2 form.

Distribution

This policy will be distributed to all Department Heads for initial circulation of each assigned operator. It will be the Department Heads responsibility to reissue this procedure to each new assigned operator and the assigned operator's responsibility to ensure that each operator is instructed and aware of these procedures. The Department Head will ensure all operators have a valid Massachusetts driver's license.



Revocation of Vehicle Privileges

Department Heads have immediate authority to revoke vehicle privileges from any employee who has violated this policy.

**Vehicle Use Policy**

Date: \_\_\_\_\_

I have read and understand this policy.

Employee Printed Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Department: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Town Administrator's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**TRANSFER REQUESTS**

All departments shall submit Reserve Fund Transfer Requests to the Board of Selectmen prior to consideration by the Advisory Committee. The Town Administrator shall review the transfer request and forward a recommendation to the Board of Selectmen.

**TREE REPLACEMENT**

Any person, firm, corporation, or agency that in the course of construction, sub-division development, or for any other such reason wishes to remove any living Public Shade Tree, 2 1/2 inches in diameter at breast height (d.b.h.) or greater shall, in accordance with Chapter 87, section 3 of the Massachusetts General Laws, first obtain a permit from the Tree Warden; and if removal is permitted, shall at no cost to the Town, within the spring or fall months following completion of construction, replace in locations specified by the Tree Warden a number of small trees determined to be equivalent on the following basis:

The total d.b.h. of all replacement trees shall equal or exceed the total d.b.h. of all trees to be removed, except in cases where a Public Shade Tree is cut or removed prior to obtaining a permit as required herein, for which replacement trees or equivalent shall be provided at double the d.b.h. of all lost trees.

Replacement trees shall be balled and burlapped, not less than 2 ½ inches d.b.h., and shall be planted by a professional arborist, nurseryman, or landscaper in accordance with I.S.A. standards. Species, size, and planting locations shall be determined by the Tree Warden.

The Tree Warden may require a bond, escrow account, irrevocable letter of credit, or other such surety as may be determined necessary. Such surety may be held for one year from the date of planting to ensure survival of the replacement trees. At the option of the applicant, the Town may, upon payment of the agreed upon sum, replace said trees according to the standards herein set forth.

Partial relief may be granted by the Tree Warden, from the replacement requirements herein only in cases where the health, location, or morphology of the tree to be cut warrants. However, in no case shall any less than one 2½ d.b.h. tree be required for each tree lost.

### **VISITORS CODE OF CONDUCT**

Effective date: 7/22/2014

The Town of Hingham's employees strive to provide a positive experience for those visiting Town facilities, by following the "Employee Code of Professional Conduct Policy". In addition, the Town supports a workplace that is conducive to personal safety and security and is free from intimidation, threats or violent acts. The Town does not tolerate workplace violence, including the threat of violence by anyone who conducts business with the Town.

The Town will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual's performance or that creates an intimidating, hostile or offensive work environment.

Complying with this Code of Conduct is required by all people doing business with Town employees. Violators who do not comply with this policy may be asked to leave the premises.

#### **Expected Conduct**

- AVOID CAUSING DISTURBANCES OR DISRUPTIONS.
- SHOW RESPECT FOR OTHERS, BUILDING FACILITIES AND PERSONAL PROPERTY OF OTHERS.
- RESPECT THE PERSONAL SPACE OF OTHERS. DO NOT GO IN BEHIND THE COUNTER OR PERSONAL OFFICE WHEN IN OFFICES UNLESS INVITED.
- USE COMMON COURTESY WHEN INTERACTING WITH OTHERS.
- DO NOT ENGAGE IN ANY LEWD OR OFFENSIVE LANGUAGE AND/OR BEHAVIOR.
- ANY FORM OF VIOLENCE IS PROHIBITED.
- SMOKING, DRINKING ALCOHOL OR APPEARING TO BE UNDER THE INFLUENCE OF ANY ILLEGAL SUBSTANCE IS PROHIBITED.

- THERE SHALL BE NO UNATTENDED BAGS, BACKPACKS OR PARCELS ALLOWED WITHIN OR ON TOWN HALL GROUNDS. UNATTENDED ITEMS WILL BE HANDLED BY THE HINGHAM POLICE DEPARTMENT UNDER ITS POLICIES AND PROCEDURES.

Repeated violations may result in permanent suspension of facility privileges.

*Thank you for your cooperation!*

**WEBSITE CONTENT POLICY**

(Adopted: March 8, 2011)

The purpose of this policy is to identify those who have responsibility for decisions on the content on the Town of Hingham website. Content introduced by a department, Board or Committee shall be directly related to the public business under their jurisdiction.

1. Town departments: The head of a department is responsible for the content of his or her department's pages on the town website. If a concern arises which cannot be settled at the department
2. Head level, the Town Administrator will make a decision.
3. Elected boards: The chief town employee associated with the board is responsible for the content of that board or department's pages on the town website. If a concern arises which cannot be settled by that employee, the elected board will make a decision.
4. Town committees: If a committee has a page on the town's website, the chair of that committee is responsible for the content of the committee's page. If a concern arises which cannot be settled with the committee, the Town Administrator will make a decision.
5. The Information Technology staff will maintain the remaining portion of the website which resides outside the responsibility of all other departments, including but not limited to the community directory, business directory, "About Hingham" page, and image gallery. If a concern arises which cannot be settled with the Information Technology staff, the Town Administrator will make a decision.
6. To ensure that the website stays current and relevant, all departments, elected Boards, and committees are responsible for reviewing their web pages on a regular basis and for notifying Information Technology of any needed additions or changes.

**WORKPLACE VIOLENCE POLICY**

(Effective date: 06/24/2014)

The Town of Hingham prohibits any acts of violence or threats of violence by an employee or former employee against any other employee in or about Town property or facilities.

The Town will not condone any acts or threats of violence against Town employees, elected and appointed Town officials, contractors, vendors, customers, visitors, or the public on Town property at any time or while they are engaged in business with or on behalf of Town, on or off Town premises.

Threats or acts of violence against Town property or facilities will also not be tolerated.

In furtherance of this policy, employees must warn their managers, the police and/or Human Resources of any suspicious workplace activity, or situations or incidents that they observe, or that they are aware of, that involve other employees, former employees, contractors, customers, visitors, or the public. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. If you feel physically threatened or observe someone else being physically threatened, do not hesitate in calling 9-1-1. The system will display the address and Department, therefore speaking into the phone is not necessary.

**Workplace violence and aggression includes but is not limited to the following:**

- Physical assault and/or battery regardless of absence or presence of resulting injury such as hitting, pushing, punching, pinching, kicking or holding;
- Threats and/or acts of intimidation communicated by any means ( written, oral or electronic) that cause an employee fear for his/her own physical safety or that of a colleague or customer;
- Destruction or attempted destruction of Town owned or leased property including, without limitation, Information Technology and electronic systems;
- The use of Town property, services, or equipment such as phones, faxes, copiers, computers, vehicles etc. for the purpose of threatening any individual with physical harm or an act of violence including acts of criminal harassment, sexual assault and stalking in violation of M.G.L. c 265 (Crimes Against the Person) and domestic violence in violation of M.G.L. c. 209A (Abuse Prevention).
- Disruptive, physically aggressive or intimidating behavior [such as throwing objects, pounding on an object, intentionally interfering or blocking the movement of another person, screaming, verbal abuse, stalking, or making oral or written statements that a reasonable person would interpret as threatening, intimidating or humiliating and/or that cause a disruption of work productivity;
- The possession, transporting or use of a weapon either on the person or in a vehicle while on city property including imitation firearms, explosives, flare guns, instrument or material to damage Town property, or harm or threaten an employee, customer, client, vendor, contractor, agent, or representative of The Town of Hingham is strictly prohibited. Any other object that may be construed to be a dangerous weapon as defined under G.L. c. 269, § 10 (Crimes Against Public Peace) or items possessed with the expressed intent to harass or injure others are likewise prohibited.

**Workplace Protections for Domestic Violence, Sexual Assault and Stalking Victims**

The Town recognizes that domestic violence, sexual assault and stalking occurring outside of the workplace may lead to violence and disruption at work with the risk of potential harm to targeted victims and other employees in the workplace. These effects may include a disruption of workplace productivity for victims and other employees. In an effort to afford victims of domestic violence, sexual assault, and stalking the ability to protect themselves while at work, and to ensure the safety of all employees, the Town of Hingham has established the following guidelines for managers and employees for addressing reports and allegations of domestic violence, sexual assault and stalking involving Town employees.

- Managers shall foster a climate in which victims can be comfortable disclosing abuse, including posting resource information where victims and abusers can go for assistance;
- Managers and employees shall report crimes related to M.G.L c.209A, which occur in the workplace which they believe to be domestic violence, sexual assault or stalking to local police;
- When appropriate, managers shall work with impacted employees to ensure workplace safety plans are completed in response to reports of domestic violence, sexual assault, and stalking;
- Managers and employees shall respect the privacy of victims and preserve confidentiality to the extent practicable, in dealing with non-emergency situations involving sexual assault, domestic violence or stalking;
- When notified of a restraining order in effect, managers shall utilize all reasonable efforts to address the employee's concerns about safety and report any workplace violations of such order to the police.
- Managers shall provide employees/victims with workplace safety remedies and options including but not limited to; screening calls, temporary work station relocation, time off to attend court-related hearings and/or counseling, and/or any other reasonable work-related safety option that minimizes the workplace safety risks to the impacted employee.
- Employees with active 209A restraining orders are strongly encouraged to promptly notify and provide a copy of any order to their Department Head and/or the Director of Human Resources, or his/her designee.
- The Human Resources Department shall provide assistance and support to managers and employees in response to reports of domestic violence, sexual assault and stalking. To the fullest extent permitted by law, all information in such reports shall be treated as confidential, kept separate from employee personnel files, and shared strictly on a "need-to-know" basis for the purposes of workplace safety incident management

### **Violation of Policy**

Any individual violating this policy will be subject to appropriate discipline up to and including possible termination.

### **Retaliation**

The Town of Hingham 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.

### **Procedures for Complaints**

#### **Complaint**

If an employee believes that he or she has been subjected to conduct prohibited by this policy, the employee is encouraged to report this matter to any Director, Supervisor, Manager or to the Human Resource Director verbally or in writing using the attached form.

## Investigation

An investigation will be made into the complaint. If after the completion of the preliminary investigation it is determined that there is reasonable cause for violation of this policy further investigation will take place and we will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions including termination from employment.

## State and Federal Agencies

The Massachusetts Commission Against Discrimination (“MCAD”), located at One Ashburton Place, Boston, MA 02108 (phone: 617-994-6000) is responsible for enforcing the Massachusetts discrimination and protected class harassment law, and the U.S. Equal Employment Opportunity Commission (“EEOC”) is responsible for enforcing the federal law prohibiting protected class harassment. The EEOC is located at JFK Federal Office Building, Government Center, Room 475, Boston, MA 02203 (phone:800-669-4000.) They may be contacted at the above addresses. A complaint to the MCAD must be filed within 300 days. A complaint under the federal law should be filed within 180 days, but under certain circumstances, a federal complaint may be filed within 300 days.

## Complaint Form

Name: \_\_\_\_\_

Department: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Phone: Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Date: \_\_\_\_\_

*Please provide a detailed description of the behavior or incident(s) about which you are making a complaint or attach the description to this form. Include the following information and anything else that would help management understand your complaint:*

*What happened:*

*Who was involved:*

*When the incident(s) took place:*

*Where the incident(s) took place:*

*Who (if anyone) witnessed the incident(s):*

*Please also attach any documents, e-mails, or other materials that support your claim of harassment.*

*What would you like the Town to do to resolve this issue?*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

*Submit this form to:* Human Resources Office – Town Hall

**Town of Hingham  
Workplace Violence Policy**

Date: \_\_\_\_\_

I have read and understand this policy. I understand that any violation of this policy will be subject to appropriate discipline up to and including possible termination.

Employee Printed Name: \_\_\_\_\_

Employee Signature : \_\_\_\_\_