

Financial Advisory Committee (FAC)

Purpose:

- Forecasts revenues and monitors financial reports.
- Reviews flexible financing options and contingency accounts.
- Reviews any and all department obligations that include a multi year financial impact.
- In accordance with the recommendations of the Department of Revenue, the FAC shall review, implement, and update Town Policies on Free Cash, Stabilization, Debt, and Capital Expenditures on a yearly basis.
- Provides financial direction to the Board of Selectmen.

Free Cash:

- A minimum of 10% of the yearly total available Free Cash shall be held as future reserves.
- Any non-recurring revenues, as defined by the Department of Revenue re-cap sheet, shall become Free Cash.
- A minimum balance of \$50,000 shall be held in an account for unfunded liabilities defined by GASB regulations. This account shall be maintained at the minimum level through a yearly appropriate from Free Cash.
- Free Cash can be used for a Capital Expense emergency. Emergency shall be deemed as defined in Massachusetts General Laws Chapter 56.
- Free Cash can be used for infrastructure upgrades. The FAC shall review and approve such requests. Requests shall be submitted to the FAC no less than four weeks before a town meeting.
- Free Cash can be used for unexpected mandated expenses.
- Free Cash can be used to fund any outstanding departmental deficits at fiscal year end, provided the FAC has prior knowledge and has reviewed and approved such funding by majority vote.
- Free Cash cannot be used for normal existing personnel services or operating expenses.

Stabilization:

- The Stabilization Fund shall not be used for normal existing personnel services or operating expenses.
- The target level for Stabilization shall be set by the FAC as a five year goal. The first target level shall be \$750,000, which currently needs a yearly amount of \$30,000 to be achieved.
- It shall be considered a violation of town policy for any department or employee to solicit transfers from Stabilization for a warrant article that did not come before the FAC to receive approval. In any event, no more than \$5,000 shall be removed from Stabilization for non-recurring expenses or recurring expenses without the prior approval of the FAC.

Capital Planning:

- There shall be a fund established for Capital Planning. To this end Free Cash shall be used as the source of funding. The FAC shall determine funding on a yearly basis. All expenditures from this account shall be reviewed by the FAC. The Capital Improvement Planning Committee shall submit their recommendations to the FAC for review by February 1st of each year.

Debt:

- It is the duty of the Treasurer to review, at the request of the FAC, all sources of funding available for all long and short term debt borrowing obligations of the Town. The treasurer shall negotiate borrowings and shall prepare the necessary documents and notes.
- It is the duty of the Treasurer to review, at the request of the FAC, all sources of funding available for all departmental leases. The treasurer shall negotiate and prepare documentation on any leases for the FAC. Sound financial practices shall be utilized to determine the ultimate funding source and term of funding.

- The Treasurer shall utilize the availability of a Financial Advisor to project, track, and determine the overall debt.
- The Treasurer shall keep the FAC updated on the factors under the town control in maintaining and upgrading the Town's credit rating.
- Additional debt shall be considered when the majority of the FAC, Finance Committee, and CPIC determine there is a significant need of the town.
- Debt shall be incurred within the overall financial plan of the Town. Accountability and impact on all property owners shall be of utmost concern.

General:

- In order to demonstrate unity, the Board of Selectmen shall provide the leadership when Legislative support is sought for Grants and/or Special Legislation that affects the operation of the Town of Berkley.
- Preliminary municipal data shall not be disclosed or disseminated in situations in which the status of the data is in draft form. Submitted but unapproved data is subject to change.
- All legal services paid by the Town must be provided by Town Counsel Gay & Gay & Field, P.C., Taunton, MA. The Board of Selectmen must approve any deviation from this policy. Bills submitted to the Town Accountant, without prior approval of the Board of Selectmen, will be returned to the Town official initiating such a violation of the policy with notification the Town will not pay the invoice.
- The consumption of alcoholic beverages is prohibited on public property.
- All departmental construction projects will be subject to current permit fees for that part of any projects which are subject to a reimbursement from the State or are charged within project quotations submitted by the winning bidder. Said permit fees include, but are not limited to: Building Commissioner, Electrical Inspector, Plumbing Inspector, Board of Health, Conservation Commission, Planning Board, Appeals Board, Special Permit Granting Authority, Recycling & Solid Waste Committee and Board of Assessors.
- No dogs are allowed inside the Town Office Building for any reason except for assistance dogs. The Animal Control Office will be notified when a person violates this rule and will then remove the animal at the owner's expense.
- Sign up for use of the Andrews Hearing Room is on the calendar, which is posted on the bulletin board outside. Town Boards, Commissions, Committees, and Departments have first priority. First come, first served. Officials must arrange any changes among themselves.
Access to the Town Office Building, securing of the building when leaving, turning off lights, locking the building, and arming the security system are the responsibility of the user.
All non-governmental organizations must receive prior approval from the Board of Selectmen.
- In compliance with MGL, Chapter 90, Section 13A, all Berkley Municipal Personnel are required to wear safety belts when operating or riding in municipality owned or leased vehicles, other vehicles, including personal vehicles, while engaged in business related to the Town of Berkley.
- When a check has not cleared with "good funds" within 30 days of its return from the Bank, the originating Department will be notified to remove this amount from the total receipts reported. Interest shall accrue. The Accountant will receive a copy of the notice in order to correspond to the Treasurer's Departmental turn in totals.

Health Insurance:

- To receive health insurance benefits, all elected officials must comply with the regulations as set forth in the Town of Berkley Personnel By-Law Rules & Regulations.
- Elected officials deemed eligible for health insurance benefits are: Town Clerk, Treasurer, Tax Collector, Highway Surveyor and those deemed grandfathered prior to July 1, 1998.
- Employees must work a minimum of twenty (20) hours per week in fixed duties year round in order to be eligible for health insurance benefits.
- All Town of Berkley employees eligible for health insurance benefits must complete a waiting period before qualifying for such benefits. This waiting period shall be for a time of thirty (30) days. Insurance coverage shall commence on the first of the month following said waiting period. The starting date for the 30 day waiting period is the date the employee actively performs the job for the first time.

- A person must retire from an approved retirement system of the Town of Berkley in order to be eligible to receive health insurance benefits from the Town of Berkley upon retirement.
- Employees not enrolled prior to retirement may not be enrolled in health insurance as a retiree. Employees covered by the individual medical plan prior to retirement may not change to a family plan as a retiree. Claims of hardship under this policy may be heard by the Board of Selectmen.
- If legally married employees work individually for the Town of Berkley and each qualify for benefits individually, they each may chose the option of single benefit plans.
- If a “life event”, (birth, adoption, legal guardianship, marriage, divorced, death, or job loss) qualifies the employee for a change in an existing benefit occurs, the Treasurer must be notified in writing and the proper documentation must be provided within 30 days.
- Any benefit received by an employee, retiree, or Cobra qualified person which is not able to be obtained by a payroll or retirement deduction shall be subject to:
 1. An administration fee of 2%
 2. Payments must be received by the 15th of the prior month of coverage
 3. Late payments shall be assessed an additional \$50 through the 25th of the prior month
 4. Delinquent policies shall be cancelled on the last day of the month
 5. The Selectmen must review all policies cancelled for non-payment
 6. By majority vote of the Selectmen, and approval of the provider, a person can be re-instated
 7. Full payment and an additional assessment of \$200 in good funds must be received prior to any re-instatements.

Payroll:

- All persons performing services for the Town of Berkley without having the proper forms filed in the Payroll Department are, in fact, volunteering without compensation.
- Department Head forms must be turned in before employee starts working. The amount of hours worked must be entered on the form.
- Signatures stamps are not acceptable for payment authorization on invoices or payroll submissions.
- Job related injuries must be reported to the Treasurer immediately or by the next business day. Delays may result in employees not receiving medical or financial assistance.
- Payroll checks that are destroyed will be re-issued within two (2) days provided enough evidence of the actual check is returned to the Treasurer’s Department. Misplaced or lost will be re-issued after a seven day waiting period and a \$15.00 stop payment fee.

Computer Equipment and Internet Use Policy

The Town of Berkley provides staff with computer equipment and the ability to communicate and receive information using electronic mail and the Internet. The Town utilizes this technology to improve staff efficiency and communication, and to serve the public more effectively. These computer resources are the property of the Town of Berkley and should be used for appropriate business purposes only. Town employees are expected to use their access to electronic mail and the Internet in a responsible way. Questions regarding acceptable use can be referred to the Board of Selectmen.

Strictly prohibited activities:

- Any illegal activity, including, but not limited to, the transmission of copyrighted or trade secret material, obscene or threatening materials, or the participation in any type of criminal activity.
- Transmission of materials used for commercial promotion, product endorsement or political lobbying.
- Attempts to violate the Town of Berkley computer system or the computer system of any other municipality, institution, organization, company or individual.
- Software piracy, or the downloading and transferring of software for which the user does not have proper licensing.
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Authorized Use:

- Computers are provided for specific employees who utilize them to perform their job functions. Departments' Heads are responsible for determining which personnel are authorized to use each computer under the Department Head's purview. Any unauthorized use of computer equipment is prohibited.

Software:

- The copying or installing of software programs without prior approval of the Department Head is prohibited.

Virus Checking:

- Data files such as word processing documents, spreadsheets and database files which originate from computers other than those located in a Town office must be checked for viruses before use. Users needing procedures for checking viruses should contact the Board of Selectmen. The Board of Selectmen may impose additional restrictions or regulations on the importing of files from computers outside the Town's network.

Storage:

- Documents and data files stored on the town's computers are the property of the Town and may be accessed by authorized personnel for the purposes of, but not limited to, system maintenance, back-up, recovery, virus checking and adherence to this policy. No right to privacy is to be expected or assumed.

Passwords:

- Passwords should be kept confidential at all times. Employees should endeavor to create passwords that are unique and not easily discoverable.
- Users should periodically change their passwords. Users needing instructions for changing their passwords should contact the Board of Selectmen.

Email:

- Email is an effective way of communication with town employees and other job related contacts. Email is to be used for town business only. Email and any related on-line services are the property of the Town of Berkley.
- Electronic mail should never be used for any illegal activity, including but not limited to copyright or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity. Email should also never be used to create offensive or disruptive messages or images. Among those things which are considered offensive are any messages or images which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability.
- Email messages are considered public record and therefore are discoverable. Users are considered the custodians of their messages and should maintain messages according to the relevant public record law.
- Email should be viewed as an unsecured mode of transportation. Confidential information should never be sent vial email. Employees should never assume that email messages are personal or confidential. All messages sent or received by email can be tracked by the Town's computer system. Employees are not authorized to retrieve or read messages that are not sent to them unless the intended recipient gives express permission.
- Unsolicited Email received should not be open. The user should delete the message immediately. Never open an attachment, especially if you do not know the source. Opening unknown attachments could initiate a virus.
- Exchange of information and opinions via email may be constructed as a violation of Mass Open Meeting Laws if the exchange is among enough members of a Board or other regulated body so as to constitute a quorum. Established guidelines for Town employees and Board members covering formal and informal meetings and discussions or phone calls, including conference calls, are to be treated as extending to email and all other computer facilitated communications.

Internet Browsing:

- Browsing is limited to internet sites that are directly related to the user's job function.
- Under no circumstances should software programs be downloaded from the internet and/or installed without prior permission of the Board of Selectmen.

- Before downloading files from an internet site the reliability of the sources should be considered. Since harmful programs can be transmitted via documents, all documents must be checked for viruses prior to use.

Unusual Occurrences:

- All matters relating to unusual occurrences must be reported immediately to the Board of Selectmen. When something unusual occurs, record information such as steps taken and warnings from the computer to aid the Board of Selectmen in diagnosing the situation.

Sanctions:

- Any employee who violates this policy or uses the Town's computer system for inappropriate purposes, or allows unauthorized persons access to the Town's computer system, shall be subject to disciplinary action, up to and including discharge.

Harassment and Sexual Harassment Policy

I – POLICY

A. Harassment and Sexual Harassment Prohibited

Harassment on the basis of age, race, color, national origin, sex, religion, sexual orientation or disability is prohibited by state and/or federal law, and will not be tolerated by the Town. All Town employees are responsible for insuring that the work place is free from all forms of harassment. This policy applies to all employees, and appointed and elected officials of the Town. Supervisory and managerial employees must not condone acts of harassment by their subordinate employees, by other Town employees, by regular visitors to Town offices, or by employees of our vendors and contractors. Retaliation against persons complaining about harassment or sexual harassment is also unlawful and is prohibited by this policy.

B. Harassment Defined

1. Harassment in General. Harassment is unwelcome verbal or physical conduct, directed at an individual based upon age, race, color, national origin, sex, religion, or disability, which disrupts or interferes with another's work, performance, or which creates an intimidating, offensive, or hostile environment

2. Sexual Harassment. In Massachusetts, the legal definition for sexual harassment is this:
"sexual harassment means sexual advances, requests for sexual favors, and verbal, or physical conduct of a sexual nature when:

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

Under this definition, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment.

3. Examples of Harassment. Harassment includes the use of insulting epithets or nicknames; the display of insulting or offensive cartoons, pictures, slogans or symbols; and, intimidation through physical violence or threats of violence.

4. Examples of Sexual Harassment. Sexual harassment is a type of harassment which refers to any unwelcome sexual attention, sexual advances, requests for sexual favors, and other unwelcome verbal, visual, or physical conduct to which an individual may be subjected because of gender. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not; Sexual epithets, jokes, written or 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;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities.

II – PERSONS COVERED

This policy prohibits harassment of all employees, including non-supervisory, supervisory, management and executive personnel, and all applicants for employment.

III - PROCEDURE

A. Complaint

1. Any employee who believes that he or she has been subjected to harassment prohibited by this policy has a responsibility to report the harassment as soon as possible to the following: Paul Modlowski in the Selectmen's office at the Town Office Building. He can be reached by phone at 508-824-6794.

2. A complaint may be made verbally or in writing. The Town may require that a verbal complaint be reduced to writing with the assistance of Paul Modlowski.

3. Any supervisor, manager or other employee who becomes aware of harassment prohibited by this policy must report it immediately to Paul Modlowski in the Selectmen's office at the Town Office Building. He can be reached by phone at 508-824-6794.

B. Investigation

1. All complaints of harassment will be investigated promptly and impartially by Paul Modlowski.

2. An individual conducting an investigation into a complaint of harassment will keep information as confidential as possible, and disseminate it on a "need to know" basis only. Others involved in the investigation in any capacity must also respect the privacy of those involved by keeping information learned during the course of the investigation confidential.

3. As soon as practicable after the completion of the investigation, the official responsible for conducting the investigation will, to the extent appropriate, advise the employee who brought the harassment complaint and the employee accused of harassment of the results of the investigation.

4. If either employee is dissatisfied with the handling or result of the investigation, the employee should bring the matter immediately to the Board of Selectmen, preferably in writing, stating the reasons for that dissatisfaction.

C. Action

Anyone who is found, after investigation, to have engaged in harassment prohibited by this policy will be subject to disciplinary action up to and including discharge from employment. This policy shall not limit the authority of the Town to take disciplinary action against an employee who engages in inappropriate conduct, regardless of whether it satisfies the definition of harassment or sexual harassment under this policy.

D. Retaliation Prohibited

No one who brings a harassment complaint in good faith will be subject to any adverse employment action for doing so, regardless of whether the complaint is ultimately determined to have merit. Any employee, including supervisors and managers, who retaliate against an employee for making a complaint of harassment will be subject to disciplinary action, which may include termination of employment. Retaliation should be reported to management using the procedure set forth in this policy for complaints of harassment.

IV - STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of these agencies has a short time period for filing a claim (EEOC - 180 days; MCAD - 6 months).

The United States Equal Employment Opportunity Commission ("EEOC")
1 Congress ST, 10th floor., Boston, MA 02114 (617) 565-3200

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

FLEET SAFETY & USE POLICY

The purpose of this policy is to set forth the guidelines under which Town vehicles will be authorized to Town personnel and the guidelines under which Town vehicles may be used.

The provisions of this policy apply to all General Government employees, excluding the Police Chief and the Fire Chief. Employees whose employment is regulated by collective bargaining agreement are subject only to those provisions of this policy not specifically regulated by agreement.

It is the policy of the Town of Berkley that certain positions require employee access to municipal vehicles, either during the work shift or on a 24-hour on-call basis. Town vehicles are not personal vehicles and are not for personal use. Town vehicles should be viewed as belonging to the citizens of the Town and are assigned solely for the purpose consistent with providing services to those citizens.

The assignment of municipal vehicles during work time is based upon job description. Appointing authorities that have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function. The assignment of vehicles may be rescinded at any time by the appointing authority/department manager.

The assignment of vehicles for 24-hour use will be made in writing by the Board of Selectmen, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions. Criteria which will be used in the determination of eligibility for 24-hour vehicle use include:

- Officially designated on-call status;
- Requirement for frequent emergency availability;
- Emergency or other equipment contained in the vehicle.

Vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons.

Employees assigned municipal vehicles on a 24-hour basis will be given a copy of this policy and will be required to sign a confirmation of receipt.

Rules Governing Use:

1. Municipal vehicles may only be used for legitimate municipal business.
2. Municipal vehicles will not be used to transport any individual that is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directed associated with Town work activity (committee members, consultants, contractors, etc.).

3. Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle, except that which is used in connection with town business.
4. Employees are expected to keep municipal vehicles clean and to report any malfunction or damage to their supervisor immediately.
5. Employees assigned vehicles for commuting purposes are expected to park such vehicles in safe locations.
6. Employees (both driver and passengers) must wear seatbelts in vehicles so equipped during operation of the vehicle.
7. All operators of vehicles that require a CDL license must be tested for drugs and alcohol as provided by United States DOT regulations and the town drug/alcohol policy.
8. Employees may not operate municipal vehicles under the influence of alcohol, illegal drugs or prescription drugs or medications that may interfere with effective and safe operations.
9. Employees who operate municipal vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to produce proof of valid motor vehicle license once every six months.
10. All new and existing drivers must allow a motor vehicle record check prior to driving any town owned vehicle. This record check will be done every other year thereafter. An adverse drug and/or alcohol record, regardless of what vehicle it occurred in, may result in revocation of an employee's privilege to operate municipal vehicles. If operating a municipal vehicle is an essential job function, reclassification or termination could result.
11. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances and laws.
 - a. Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fines unless the payment of such fines is approved by the Town.
 - b. Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor immediately when practicable, but in no case later than 24 hours. Failure to provide such notice will be grounds for disciplinary action.
 - c. Employees who are involved in an accident in a town vehicle shall follow the procedures attached to the vehicle registration.
 - d. An employee who is assigned a municipal vehicle and who is arrested for or charged with motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his or her personal vehicle or in a municipal vehicle, must notify his or her supervisor immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.
12. Employee may use a municipal vehicle for out of state use with advance approval of the Department Head.
13. Under NO circumstances will any person or animal ride in the body of a truck, or in a trailer or bucket of a loader or backhoe.

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension, and/or termination from Town service.