

**PERSONNEL POLICY**  
**FOR EMPLOYEES OF THE TOWN OF PETERSHAM**  
**REPORTING TO THE BOARD OF SELECTMEN**

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This Policy Manual and the policies, practices, and commentary contained herein are guidelines only and do not constitute employment contracts or contractual terms of employment. These policies that have been or may be published, as well as those in supplemental memoranda or notices, may be changed at any time with or without notice by the Board of Selectmen and a Personnel Policy Review Committee consisting of five (5) people, one from each of the following: Selectmen's Office, Highway Department, Police Department, Fire Department, and a citizen at-large.

The Board of Selectmen is responsible for the interpretation of all policies in keeping with the general intent of the policy, overall management objectives, or changing conditions. Only the Board of Selectmen is authorized to make exceptions to policies.

All financial provisions of this policy are contingent upon appropriations from year to year at the Annual Town Meeting.

Severability Clause: Each provision of this policy shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

This Policy shall be reviewed by the Board of Selectmen on a four (4) year basis, except in the case of the Sexual Harassment section which shall be reviewed, revised if needed, and posted on an annual basis. Additions, revisions, or deletions may be made at any time.

All State and Federal laws are recognized to be in full force although not specifically incorporated within the Town of Petersham's Personnel Policy.

This Policy was accepted unanimously on October 20, 1998, to become effective January 1, 1999.

#### PETERSHAM BOARD OF SELECTMEN

Clinton A. Shaw, Chair

Debra O'Connor, Vice-Chair

Vincent J. Purple, Clerk

DATED: December 29, 1998

**CHANGE VOTE:** July 7, 2009, Selectboard vice-chair Christine Durgin moved to expand the Personnel Policy Review Committee to seven (7) members, with additional members being citizens-at-large. Clerk Rick Marsh seconded the motion and VOTED UNANIMOUSLY.

**PETERSHAM PERSONNEL POLICY**

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## **ACCIDENT PREVENTION**

The Town of Petersham agrees to provide a safe surrounding in all areas of employment to the extent possible.

Employees shall be informed by their respective department head of any toxic or hazardous materials in the workplace in accordance with MGL 111F (Right to Know Law).

If a tool, machine, or piece of equipment is defective, worn-out, or dangerous to operate because of its condition, a repair or replacement request shall be supplied to the Department head in charge of such equipment, who will not permit its use until authorized by the Board of Selectmen following a physical inspection.

Department heads will at all times be concerned with the safety and health of employees in their respective departments. No employee shall be required to use any tool, machinery or equipment unless he/she is adequately oriented, experienced or familiar with the use of the same. Additionally, Department heads will ensure that employees are adequately trained in the use of equipment and shall make reasonable effort to avoid making work assignments which expose inadequately equipped employees to the harmful effects of hazardous substances.

As needs arise regarding safety issues, the Board of Selectmen should be notified in writing in a timely fashion in order to address the issue at the earliest possible date. Whenever possible, Department heads should anticipate safety equipment requirements and incorporate the same in their annual budget requests.

### **USE OF SEATBELTS BY POLICE, FIRE, AND HIGHWAY PERSONNEL IS MANDATORY IN THOSE TOWN VEHICLES HAVING SEAT BELTS.**

The town will at all times endeavor to maintain its motor vehicles as required by law and will not knowingly require a driver to operate a vehicle which endangers the driver's or any other person's health or physical safety. It is the employee's responsibility to inform his/her supervisor of any known or suspected defects.

A safety team consisting of the Highway Department head, the Chief of Police, the Fire Chief, and a member of the Board of Selectmen shall be formulated to discuss safety issues from time to time as instances regarding safety arise. This team shall investigate alleged safety issues, discuss them, and decide upon the best course of action to resolve them.

## **ALCOHOL AND DRUG USE**

The use of alcohol and/or drugs by employees of the town of Petersham will not be tolerated.

As cited by this policy, drug/alcohol use relates not only to use during shift hours, but also during the time prior to the shift which is close enough to the beginning of the shift for the employee to still be under the influence of such drugs/alcohol, or for the employee's performance due to the prior use of said alcohol/drugs to be affected in the realm of his/her job responsibilities.

This policy shall include the use of those prescription drugs which affect an employee's ability to perform his/her job duties responsibly and safely, even if legally prescribed by a physician. Employees on a prescription drug prescribed by a physician whose ability is impaired should not report to the work site while under the influence of these drugs without first advising their supervisors of the use of the drugs, and allowing the Supervisor to determine where the employee should be assigned at a work site during that time period.

Employees suspected of being under the influence of drugs or alcohol during work hours shall be asked to submit to a breathalyzer or blood test. The employee may refuse, but such refusal shall be taken into consideration during any appeal which may follow.

On first offense, the employee will be offered the opportunity to attend a treatment program at his/her own expense. Refusal to do so will constitute permanent dismissal. A second offense will constitute immediate permanent dismissal.

Read DOT Drug and Alcohol Testing Policy attached for CDL license drivers.

## **ATTENDANCE AND ABSENCE**

Any employee unable to report to work for any reason is expected to notify his/her supervisor of such absence at the earliest possible time, but in any event prior to the beginning of his/her shift which will be vacated by such absence.

An employee who is habitually absent without utilizing accrued benefit time, or who is suspected to be abusing benefit time, will be considered for disciplinary action.

Supervisors shall advise the Board of Selectmen, in writing, of any suspected abuse of benefit time, chronic absences, or repeated days off the payroll for any individual employee.

Attendance will be recorded by Department heads and will be used as a part of each employee's annual evaluation.

Tardiness will also be recorded by each Department head and will become a part of the employee's Personnel Record.



## **CALL-IN PAY**

Any full-time employee who is called in to work for Emergency Detail or Special Assignment will be entitled to a minimum of two (2) hours of call-in pay at his/her rate of time and a half. If called in on a Saturday, Sunday, vacation, or holiday, an employee is entitled to four (4) hours of call-in pay, with overtime regulations to apply.

Any employee who is called in to work under the above provisions must be called in by his/her supervisor. These provisions will not apply to those who voluntarily report without specifically being called unless approved by supervisor.

The Police Department and the Fire Department on-call hours will begin at 10:00 p.m. and run to 6:00 a.m. Any employee called in will be entitled to two (2) hours' pay for the first (1<sup>st</sup>) hour of work and a minimum of one (1) hour for all other call-in time.

Any employee who is called in to work under the above provisions must be called in by his/her supervisor or dispatch center. These provisions will not apply to those who voluntarily report without specifically being called.

## **DISCIPLINARY ACTION**

All Town employees are expected to comply with acceptable standards of behavior and performance, whether or not specifically addressed within the Personnel Policy.

Whenever possible, the Town supports application of progressive discipline. The normal procedures should be:

- A. If any employee is not meeting expected standards, the employee's supervisor should take the following action:
  - 1. Meet with the employee to discuss the matter;
  - 2. Inform the employee of the nature of the problem and the action necessary to correct it; and
  - 3. Prepare a memorandum for the Supervisor's own records indicating that such meeting took place.
- B. In the event of a second incident, the Supervisor should hold another meeting with the employee and take the following action:
  - 1. Issue a written reprimand to the employee;
  - 2. Warn the employee that a third incident will result in more severe disciplinary action; and
  - 3. Prepare a written overview of the first and second incidents, summarizing the actions taken, to be placed in the employee's Personnel Record.
- C. If there are additional incidents, the Supervisor will take the following action:

Refer the matter to the Board of Selectmen, who will act upon one of the following courses of action:

  - 1. Issue a written reprimand or warning;
  - 2. Suspend the employee without pay for up to five (5) working days; or
  - 3. Suspend the employee indefinitely and recommend termination.

In cases involving serious misconduct, such as a major breach of policy or violation of law, the first two steps of the progressive disciplinary procedures may be disregarded.

Employees suspended from work will not receive or accrue any employee benefits during the suspension. However, if it is determined that the employee was suspended without just cause, all back benefits will be received upon reinstatement.

An employee may be disciplined, discharged or demoted only for just cause, such as, but not limited to; intoxication (alcohol or drug related) on the job, stealing of Town or other employees' property, unauthorized use of Town equipment, insubordination, demonstrative non-performance of duties, and loss of license if required within the job specifications.

The Town shall supply any employee faced with disciplinary action written advice of the charges. If the Town (Board of Selectmen) feels that there is cause for discharge, the employee will be suspended for up to five (5) days without pay, during which time a hearing will be held, which shall include the employee, the Supervisor, and the Board of Selectmen, as well as any others who may be invited to participate on behalf of the employee or the Town. Such hearing shall be held in Executive Session, unless such right is waived by the employee.

Following the hearing, a determination shall be made by the Board of Selectmen within forty-eight (48) hours regarding the specific course of disciplinary action, if any, to be taken, and the employee shall be so notified in writing.

## **EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the Town to recruit, hire, train, and promote persons in all job classifications without regard to race, color, religion, age, sex, national origin, handicap or status as a disabled veteran.

As of July, 1992, all provisions of this agreement must conform to the requirements of the Americans with Disabilities Act. The parties have attempted to assure that no part of this agreement will result in unlawful discrimination. In keeping with the recommendation of the Report of the House Committee on Education and Labor (Report No. 101-485), the employer shall take all action necessary to comply with the Act, notwithstanding any discriminatory past practice or provision of this agreement not in compliance with the Act.

### **FUNERALS – PAID BEREAVEMENT LEAVE**

Full-time employees who have completed their probationary period shall be granted up to five (5) workdays of paid funeral leave for the death of the employee's spouse or child.

Leave of up to three (3) days shall be granted for the death of an employee's mother, father, mother-in-law, father-in-law, sibling, or any member of the employee's family who resides in the same household as the employee.

Leave consisting of one (1) day shall be granted for the death of an employee's grandparent, grandchild, or the employee's spouse's grandparent.

The employee shall notify his/her supervisor as soon as possible when the death of one of the aforementioned relatives has occurred to ensure adequate coverage and scheduling. Advice of the date of return to work should also be given to the supervisor at that time.

A bereavement leave day shall equal a normal work day.

## **HOLIDAYS**

The following days will be granted to FULL-TIME employees as paid holidays:

NEW YEAR'S DAY

MARTIN LUTHER KING DAY

PRESIDENTS' DAY

PATRIOTS' DAY

MEMORIAL DAY

JUNETEENTH

FOURTH OF JULY

LABOR DAY

COLUMBUS DAY

VETERANS' DAY

THANKSGIVING DAY

DAY AFTER THANKSGIVING

CHRISTMAS DAY

Employees will be paid for a holiday at the rate of a normal work day.

Should a holiday fall on a Saturday, the holiday will be observed on the Friday immediately prior to the holiday.

If a holiday should fall on a Sunday, the holiday will be observed on the following Monday.

**Last reviewed by Selectboard: July 12 & 26, 2022**

**Last approved by Selectboard: July 26, 2022**

## INSURANCE

### Active Employees

All employees of the Town of Petersham, working at least 20 hours per week on a regular basis, after having successfully completed the probationary period (90 days), are offered health insurance under the Town's existing contractual agreement for such services.

In order to remain eligible for coverage under the Town's health insurance plan, an employee must be ACTIVELY EMPLOYED, and the employee must be on the Town's payroll on each scheduled workday.

The active employee shall be required to submit 25% of the total monthly premium toward such coverage, with the balance to be paid by the Town.

### Retired Employees

For health insurance coverage of a retired individual, that individual must have been employed by the Town of Petersham at least ten (10) continuous years of health insurance eligibility immediately prior to the date of retirement and must be at least 55 years of age.

At least six (6) months' notice prior to the date of retirement is asked by the Town.

A retired employee shall be required to submit that portion of the total monthly premium toward such coverage as voted by the Town of Petersham, with the balance to be paid by the Town.

If an employee retires on an individual plan, marries during retirement and wishes to change to a family plan, the Town of Petersham would be financially responsible only for that portion of individual coverage voted by the Town and the retiree would be financially responsible for the balance of the premium.

Under the definition of 'spouse', the Town of Petersham shall use the standard definition, keeping in mind that under the definition and the laws of the Commonwealth, spouses in same-sex marriages will be recognized.

If an employee does not participate in retiree health insurance benefits immediately upon retirement, retirees are eligible on an annual basis, to sign up for retiree health insurance during the open-window period of the current insurance provider for the Town.

\*\*\*

MGL32B:9A voted at June 6, 2005, Annual Town Meeting to authorize the Town to pay one-half the premium costs payable by a retired employee for group life insurance, and group general or blanket hospital, surgical, medical, dental, and other health insurance, said acceptance and Section to be effective July 1, 2006.

MGL32B:9D voted at June 6, 2005, Annual Town Meeting to authorize the Town to pay one-half the premium costs payable by the surviving spouse of an employee or a retired employee for group life insurance, and group general or blanket hospital, surgical, medical, dental, and other health insurance, said acceptance and Section to be effective July 1, 2006..

Personnel Policy Insurance page changes VOTED UNANIMOUSLY by Petersham Selectboard on March 21, 2006.



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## **LEAVE OF ABSENCE**

A leave of absence, other than those leaves covered under the Family and Medical Leave Act of 1993 (FMLA), of up to one (1) year may be granted to a FULL-TIME employee who has completed his/her probationary period (90 days). Such leave shall be granted by the Board of Selectmen. An application for such leave must be made by the employee, in writing, three (3) months prior to the effective date of the leave, if possible, and must be authorized by the employee's Department head before being forwarded to the Board of Selectmen.

During such leave, the employee is not entitled to ANY Town benefits. Health insurance may be continued with the employee covering the ENTIRE monthly premium, which must be paid thirty (30) days in advance.

## **FAMILY AND MEDICAL LEAVE**

### **Employee Coverage**

Coverage applies to all public agencies, including state, local and federal employers, local education agencies (schools) and private-sector employers who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year and who are engaged in commerce or in any industry or activity affecting commerce including joint employers and successors of covered employers.

### **Employee Eligibility**

To be eligible, an employee must:

1. Work for a covered employer;
2. Have worked for the employer for a total of at least 12 months;
3. Have worked at least 1,250 hours over the previous 12 months; and
4. Worked at a location where at least 50 employees are employed by the employer within 75 miles.

Most federal and certain congressional employees are also covered by the law and are subject to the jurisdiction of the U.S. Office of Personnel Management and the Congress.

### **Leave Entitlement**

A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- For the birth or placement of a child for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health conditions; or
- To take medical leave when the employee is unable to work because of a serious health condition.

Spouses employed by the same employer are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition.

Leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement.

Under some circumstances, employees may take Family and Medical Leave intermittently which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

- If Family and Medical Leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the employer's approval.
- Family and Medical Leave may be taken intermittently when medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.

Also, subject to certain conditions, employees or employers may choose to use accrued paid leave (such as sick or vacation leave) to cover some or all of the Family and Medical Leave. The employer is responsible for designating if an employee's use of paid leave counts as Family and Medical Leave, based on information from the employee. In no case can use of paid leave be credited as Family and Medical Leave after the leave has ended.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility;
- Any period of incapacity requiring absence of more than three calendar days from work, school, or other regular family activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days and for prenatal care.

"Health care provider" means:

- Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices; or
- Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law; or,
- Nurse practitioners and nurse-midwives authorized to practice, and performing within the scope of their practice, as defined under state law; or
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts

## **Maintenance of Health Benefits**

A covered employer is required to maintain group health insurance coverage for an employee on Family and Medical Leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave.

In some instances, the employer may re-cover premiums it paid to maintain health coverage for an employee who fails to return to work from Family and Medical Leave.

## **Job Restoration**

Upon return from Family and Medical Leave, an employee must be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

In addition, an employee's use of Family and Medical Leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using Family and Medical Leave.

Under specified and limited circumstances where restoration to employment will cause substantial grievous economic injury to its operations, an employer may refuse to reinstate certain highly-paid "key" employees after using Family and Medical Leave during which health coverage was maintained. In order to do so, the employer must:

- Notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take Family and Medical Leave;
- Notify the employee as soon as the employer decides it will deny job restoration and explain the reasons for this decision;
- Offer the employee a reasonable opportunity to return to work from Family and Medical leave after giving this notice; and
- Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

A "key" employee is a salaried "eligible" employee who is among the highest paid ten percent of employees within 75 miles of the work site.

## **Notice and Certification**

Employees seeking to use Family and Medical Leave may be required to provide:

- 30-days advance notice of the need to take Family and Medical Leave when the need is foreseeable;
- Medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
- Second or third medical opinions and period re-certifications (at the employer's expense); and
- Periodic reports during Family and Medical Leave regarding the employee's status and intent to return to work.

When leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the employer's operation.

Covered employers must inform employees of their rights and responsibilities under the Family and Medical Leave Act, including giving specific information when an employee gives notice of Family and Medical Leave on what is required of the employee and what might happen in certain circumstances, such as if the employee fails to return to work after Family and Medical Leave.

#### **Unlawful Acts**

It is unlawful for any employer to interfere with, retrain, or deny the exercise of any right provided by the Family and Medical Leave Act. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the Family and Medical Leave Act.

This Policy shall comply with the Family and Medical Leave Act of 1993 (FMLA) enacted on February 5, 1993, and effective August 5, 1993.

**THE SMALL NECESSITIES ACT**  
(An Act Providing Employee Leave for Certain Family Obligations)

This law requires employers of 50 or more employees in Massachusetts to give certain employees up to 24 hours of unpaid leave during any 12 month period in addition to the leave an employee may be eligible for under the federal Family and Medical Leave Act. This leave can be taken intermittently and in less than one day increments.

Family Obligations Leave must be made available to eligible employees for three specified reasons:

- To participate in school activities directly related to the educational advancement of their children (such as parent teacher conferences and interviewing for new schools);
- To accompany their children to routine medical and dental appointments (such as check-ups or vaccinations); and
- To accompany elderly relatives (individuals who are at least 60 years of age and related to the employee by blood or marriage) to medical or dental appointments or appointments for other professional services related to the elder's care (such as nursing home interviews).

Similar to the Family and Medical Leave Act, eligible employees may elect, or the Company may require the employee, to substitute accrued vacation, sick or personal days for such unpaid leave time.

To be eligible for a Family Obligations Leave, an employee must be employed by the Company for at least twelve (12) months, must have at least 1,250 hours of service with the Company during the previous twelve (12) month period, and must work at a work site at which the Company employs fifty (50) or more employees within seventy-five (75) miles of the work site.

Under the law, workers are required to give seven (7) days notice when the need for leave is "foreseeable". If the need for leave is not foreseeable, the employee must give the Company as much notice as is practical. Employers may require certification to support the request under conditions that will be specified in future regulations to be issued by the Massachusetts Attorney General

This Policy will comply with "An Act Providing Employee Leave for Certain Family Obligations", Chapter 109 of the Acts of 1998, MGL 149:52D, (The Small Necessities Act) signed into law on May 7, 1998, by Acting Governor Argeo Paul Cellucci which took effect on August 4, 1998.

## **MEMBERSHIPS IN RELATED ASSOCIATIONS**

Employees are encouraged to join associations which further knowledge in the field of their particular line of work or which serve to join the Town with others who may offer guidance and expertise regarding specific areas.

Employees are, therefore, offered the benefit of the Town covering the cost of annual dues, workshop fees, etc., in joining such associations; however, the costs must be pre-approved by the Department Head AND the Board of Selectmen before such costs may be incurred.

Interested employees should contact their Supervisors regarding specific dues, workshops, or related expenses.



## **OVERTIME/COMPENSATORY TIME**

In accordance with the Fair Labor Standards Act, full-time employees who are paid on an hourly basis who are required to work beyond a total of forty (40) hours per week shall qualify for overtime pay or compensatory time credit for hours beyond forty (40) worked in one given week, at a rate of one and a half times his/her normal rate of pay.

The option of overtime pay versus compensatory time is at the option of the employee, but must be designated immediately following the time worked, and thereafter may not be converted.

Compensatory time, as in overtime pay, shall be accrued at a rate of one and a half times the amount of time actually worked, and may be used at any time with authorization of the Department head. Compensatory time will be forfeited at the end of the current fiscal year in which accrued, unless an extension is approved by the Department Head and the Board of Selectmen. An employee may accrue no more than forty (40) hours of compensatory time on the books at any one given time. As with other benefit time, the use of "comp time" must be indicated on payroll vouchers, and Department Heads will be required to keep a record of all comp time earned by employees, dates used and current balances.

The option to accrue comp time rather than overtime shall be reflected when Department heads submit their payroll for inclusion on the Town warrant.

All compensatory time (accumulated and used) will be submitted on a voucher, on a bi-weekly basis, to the Selectmen's office to be filed with Compensatory Time records.

In accordance with MGL Chapter 149 Section 148, all employees must be provided with a suitable pay stub indicating the name of the employer, name of the employee, the day, month, year, and number of hours worked and hourly rate and the amount of deductions or increases made for the pay period.

All overtime must be pre-approved by the Department head.

## **PENSION**

Employees of the Town of Petersham are offered retirement programs. Some employees participate in Worcester County Retirement System, while others are enrolled in Copeland.

Details of both plans are available for review in the Selectmen's office, as both are much too lengthy to attempt to incorporate within a Personnel Policy.

## **PERSONAL DAYS**

Full-time employees who have completed their probationary period shall be granted sixteen (16) hours of personal time per fiscal year. Personal time may be used as the employee wishes, in increments of two (2) hours each in accordance with the scheduled hours of the employee.

Such time will be credited for the use of each full-time employee who qualifies on July 1st of each fiscal year.

Use of personal time should be approved by the employee's supervisor in advance, whenever possible.

Personal time may be used in conjunction with vacation or holiday time, if pre-approved by the supervisor.

All personal time will be forfeited if not used by June 30<sup>th</sup> of the fiscal year in which it is issued.

Each supervisor shall indicate the use of personal time when submitting payroll vouchers for the warrant, and shall maintain records of the use of such time for each employee and the balance remaining.

The following was approved at a Personnel Policy Review Committee meeting on March 10, 2011:

That part-time employees will receive vacation time, sick time, and personal time benefits prorated as a percentage of benefits for full-time employees as follows:

- 20 hours (20/40) = 50% benefits
- 24 hours (24/40) = 60% benefits ✓
- 28 hours (28/40) = 70% benefits
- 32 hours (32/40) = 80% benefits
- 36 hours (36/40) = 90% benefits

That no benefits would be made available for Occasional part-time employees or for Temporary employees.

That when the Center School has a two- hour delay, non-essential employees will have a two-hour delay.

That on days that Center School is cancelled (not due to State-of-Emergency), non-essential employees will have a two-hour delay.

*Approved by  
Bos at  
3-15 mtg.*

## **PERSONNEL RECORDS**

Personnel records will be maintained for each employee of the Town, and will include the employee's full name, address, social security number and date of hire, as well as a description of the position held and the rate of pay for the same.

Upon changes in an employee's position or rate of pay, the personnel record shall clearly define the change. Employees must notify their supervisors immediately in the event of a change of address, and this information shall be incorporated in to the employee's personnel record.

The personnel record shall also reflect a record of an employee's attendance, disciplinary actions/letters, and a copy of the annual evaluation.

An employee may review his/her personnel record at any time. If any information contained within the record is believed to be inaccurate, the Board of Selectmen should be notified in writing, and will conduct an investigation within thirty (30) days of receipt of the complaint.

Following the complaint, if the information is still believed to be incorrect, the employee may file an appeal for a hearing to be scheduled within thirty (30) days of receipt of a written request for such appeal by the Board of Selectmen, and the proper parties shall be scheduled to attend, depending upon the circumstances of the complaint and personnel record information being contested.

**PROBATIONARY PERIOD**

The probationary period shall be ninety (90) days from the date of hire.

## **REST BREAKS**

Full-time employees are entitled to two (2) fifteen-minute rest breaks each day, one (1) in the morning and one (1) in the afternoon.

The times of said breaks may be determined by the Department head based upon the tasks being performed that day and therefore shall not be designated at a rigid schedule.

However, in no event shall an employee forego the designated rest breaks in order to leave his/her work site or shift thirty (30) minutes early. If the rest breaks are not taken advantage of, they are forfeited. Rest breaks also may not be incorporated into lunch breaks in order to extend the lunch period.

Supervisors should attempt, whenever possible, to incorporate rest breaks after approximately two (2) hours of work.

### **SAFETY BELT POLICY**

All municipal personnel are required to wear safety belts when operating or riding in municipally owned or leased vehicles, or in other vehicles, including personal vehicles, while engaged in Petersham-related business. Petersham management insists that all municipal employees comply with this policy, including the police, fire and highway departments.



## **SEXUAL HARASSMENT AND SEX DISCRIMINATION**

### **I. Introduction**

It is the goal of Petersham to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Petersham takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

### **II. Definition of 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; or
- b. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating and intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor of sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitute 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.

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 sexual suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

All employees should take special note that, as stated below, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

### III. Complaints of Sexual Harassment

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint, you may do so by contacting either the Board of Selectmen, 3 South Main Street, Petersham, MA 01366, 978-724-3353, or your department head. These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### IV. Sexual Harassment Investigation

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain

confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview for the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

#### V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

#### VI. State and Federal Remedies

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

1. The United States Equal Employment Opportunity Commission (EEOC)  
1 Congress Street – 10<sup>th</sup> Floor  
Boston, MA 02114  
617-565-3200
2. The Massachusetts Commission Against Discrimination (MCAD)
 

Boston Office One Ashburton Place, Room 601 Boston, MA 02108 617-727-3990	Springfield Office 424 Dwight Street, Room 220 Springfield, MA 01103 413-739-2145
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## **SICK LEAVE**

Full-time employees of the Town of Petersham shall accrue a total of ten (10) hours of sick leave per month following their probationary period. Accruals shall be credited to the employee on the first of each month. Employees are eligible for the monthly accrual only if they have been on the payroll for the entire month previous.

Accrual maximums will be ninety (90) days (seven hundred twenty hours) per employee. There are no rights to payment for sick time benefits upon termination of employment.

The use of three (3) days or more may require certification of the illness by a physician and an estimated date of return to work.

Employees may use a maximum of ten (10) days per calendar year for the purpose of caring for the spouse, child or parent of either employee or his/her spouse or a relative living in the immediate household who is ill.

The Selectmen reserve the right to revoke sick time benefits for any individual employee on a case-by-case basis if abuse is determined.

Department heads are required to maintain records for each employee, indicating accruals of sick time as accrued, dates used, and the amount of time used in each instance. These records should indicate a description of the illness and the date of return to work. Sick time balances remaining for each employee should be reflected.

Additionally, when an employee uses sick time benefits, the use should be clearly reflected on payroll vouchers submitted for payment on the Town Warrant.

This benefit time may be used in hourly increments, in accordance with the hourly scheduled workday of the employee.

The following was approved at a Personnel Policy Review Committee meeting on March 10, 2011:

That part-time employees will receive vacation time, sick time, and personal time benefits pro-rated as a percentage of benefits for full-time employees as follows:

- 20 hours (20/40) = 50% benefits
- 24 hours (24/40) = 60% benefits ✓
- 28 hours (28/40) = 70% benefits
- 32 hours (32/40) = 80% benefits
- 36 hours (36/40) = 90% benefits

That no benefits would be made available for Occasional part-time employees or for Temporary employees.

That when the Center School has a two- hour delay, non-essential employees will have a two-hour delay.

That on days that Center School is cancelled (not due to State-of-Emergency), non-essential employees will have a two-hour delay.

Approved by  
Bos at  
3-15 mtg.

## **TIME REPORTING**

Effective July 1, 1994, all department heads will be required to submit to the Board of Selectmen a detail of hours worked by employees. (Refer to Overtime/Compensatory Time on Page 22.)

All employees shall sign in and out on a schedule which will reflect the following information:

- a) The date
- b) The employee's name
- c) The time the employee reported to work
- d) The time the employee left work, whether it be for a lunch break, for a specific period of time, or for the remainder of the day.
- e) The total hours worked for that day.
- f) A detail of benefit time used, if any.

Department heads will be provided with a time reporting schedule to be used. This schedule will be required for all employees, whether full-time or part-time, and must be submitted to the Board of Selectmen in a timely manner.

## **TRAINING, TRAVEL AND EXPENSES**

Training, travel and expenses incurred in the course of Town employment by an employee shall be reimbursed to the employee or covered in advance by the Town if the expenditure of funds serves to advance the employee's knowledge and expertise in his/her particular area, or in some other way is in the best interest of the Town.

Such expenditures may be incurred through the Department's expense account; however, all said expenditures must be pre-approved by the Department head if the employee incurring such expenditures is not in direct control of the Expense Account.

Such expenditures may include, but are not limited to: workshops and conferences, association dues, travel to and from meetings, meals and materials.

Reimbursement for mileage will be set at the State-mandated rate per mile when an employee uses his/her personally owned vehicle.

## VACATION TIME

Full-time employees of the Town of Petersham shall be entitled to annual paid vacation time in accordance with the following schedule:

In first year of service	=	Five (5) work days (forty hours)
After one (1) year of service	=	Ten (10) work days (eighty hours)
After five (5) years of service	=	Fifteen (15) work days (one hundred twenty hours)
After ten (10) years of service	=	Twenty (20) work days (one hundred sixty hours)

Vacation time must be used within the year of employment and is not carried forward into a next year. Vacation time is effective in accordance with the employee's initial date of hire, and schedules are to be maintained by the department head reflecting time used and balance remaining.

Vacation leave should be requested by an employee to their supervisor at least two (2) weeks prior to use of vacation time whenever possible, and must be pre-authorized by the department head.

If a holiday falls during a vacation period, the employee shall be credited with a holiday pay for that day and the vacation pay shall be carried on the books for that day.

This benefit time may be used in hourly increments in accordance with the hourly scheduled workday of the employee.

Part-time employees will receive vacation time, sick time, and personal time benefits pro-rated as a percentage of benefits for full-time employees as follows:

20 hours (20 hrs. out of 40 hour week)	=	50% benefits
24 hours (24 hrs. out of 40 hour week)	=	60% benefits
28 hours (28 hrs. out of 40 hour week)	=	70% benefits
32 hours (32 hrs. out of 40 hour week)	=	80% benefits
36 hours (36 hrs. out of 40 hour week)	=	90% benefits

No benefits will be made available for Occasional part-time employees or for Temporary employees.

On days when the Center School has a two-hour delay due to weather conditions, non-essential employees will have a two hour delay.

On days when the Center School is cancelled due to weather conditions, non-essential employees will have a two hour delay.



## VACATIONS

Full-time employees of the town of Petersham shall be entitled to paid vacation time in accordance with the following schedule:

After one (1) year of service.....ten (10) workdays (eighty hours)

After five (5) years of service .....fifteen (15) workdays (one hundred twenty hours)

After ten (10) years of service.....twenty (20) workdays (one hundred sixty hours)

Vacation accruals are effective in accordance with the employee's initial date of hire, and schedules are to be maintained by the department head, reflecting accruals, time used, and balances remaining.

Vacation leave should be requested by an employee to their supervisor at least two (2) weeks prior to use of vacation time whenever possible, and must be pre-authorized by the department head. If a holiday falls during a vacation period, the employee shall be credited with a holiday pay for that day and the vacation pay shall be carried on the books for that day.

This benefit time may be used in hourly increments in accordance with the hourly scheduled workday of the employee.

updated @  
BAS note  
of 12/15/2022

The following was approved at a Personnel Policy Review Committee meeting on March 10, 2011:

That part-time employees will receive vacation time, sick time, and personal time benefits pro-rated as a percentage of benefits for full-time employees as follows:

- 20 hours (20/40) = 50% benefits
- 24 hours (24/40) = 60% benefits ✓
- 28 hours (28/40) = 70% benefits
- 32 hours (32/40) = 80% benefits
- 36 hours (36/40) = 90% benefits

That no benefits would be made available for Occasional part-time employees or for Temporary employees.

That when the Center School has a two- hour delay, non-essential employees will have a two-hour delay.

That on days that Center School is cancelled (not due to State-of-Emergency), non-essential employees will have a two-hour delay.

Approved by  
BOS at  
3-15 mtg.

Updated  
@ BOS vote  
of 12/15/2012

## **WORKWEEK AND HOURS**

The normal workweek for full-time Town employees paid on an hourly basis shall be forty (40) hours per week. Scheduling variations may be authorized by the Board of Selectmen as deemed appropriate regarding days and hours worked.

However, personal, sick, holiday, and vacation time will be used in hourly increments in accordance with an employee's work schedule, ie., an employee working five eight-hour days shall use eight (8) hours' benefit time when taking a day off; an employee working four ten-hour days shall use (10) hours' benefit time, etc.

Employees wishing to change their work hours or schedule must submit a written request to the Board of Selectmen. Such request will be acted upon within fourteen (14) days, and the employee will be provided with written notification of the approval or denial of such request.

## **Town of Petersham Solicitation Policy**

2/1/2011

addendums

For the purpose of this Policy, the following terms are thus defined:

1. "Soliciting" shall mean and include any one or more of the following activities:
  - A. Seeking to sell or offering to sell by sample, list, catalogue or otherwise for future delivery, or seeking to obtain orders for the purchase of goods, wares, merchandise, publications and magazines & foodstuffs; services of any kind of consideration whatever, or
  - B. Seeking to obtain prospective customers for application or purchase of insurance or real estate by a licensed or unlicensed representative of any type, kind or publication, or
  - C. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable, religious, political action, or nonprofit association, organization, corporation, or project.
2. "Residence" shall mean and include every separate living unit occupied for residential purposes by one or more person, contained within any type of building or structure.
3. "Registered Solicitor" shall mean and include any person who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor on his or her person while engaged in the act of soliciting.
4. **Certificate of Registration:** Every person desiring to engage in soliciting as herein defined from persons in residence within the Town of Petersham, is hereby required to make written application for a Certificate of Registration as hereinafter provided. Such certificate shall be displayed conspicuously on the outer garment of the solicitor or readily available upon request.
5. **Application for Certificate of Registration:** Application for a Certificate of Registration shall be made upon a form provided by the Police Department or the Police Department's designee. The applicant (s) shall truthfully state in full the information requested on the application, to wit:
  - A. Name and address of present place of residence of applicant, and business address; Name and address of the person, firm or corporation or association with whom the applicant (s) is employed or represents;
  - B. Purpose of solicitation;
  - C. Description sufficient for identification of the subject matter of the solicitation in which the applicant will be entered;
  - D. Period of time for which the Certificate is applied but not to exceed twelve (12) months. The Certificate of Registration shall state the expiration date thereon.
  - E. Date or approximate date of latest previous application for Certificate under this policy, if any.
  - F. Has a Certificate of Registration issued to the applicant under this policy ever been revoked?
  - G. Has the applicant ever been convicted of a felony under the laws of this Commonwealth or any other state, or of a Federal law?

- H. Names of magazines, books or journals etc., if the subject matter;
- I. Proposed method of operation or transportation, providing vehicle plate, color, make, and year;
- J. Signature of applicant.

6. All statements made by the applicant upon the application or in connection therewith shall be made under the penalties of perjury

7. No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the Commonwealth or any other state or of Federal law, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

8. **Revocation of Certificate:** Any Certificate of Registration issued hereunder shall be revoked by the Police Chief or his/her designee if the holder of the Certificate is found to be in violation(s) of any terms of this policy. Immediately upon the giving of such notice of revocation, the Certificate of Registration shall become null and void. Verbal notice of revocation shall be followed immediately by written notice thereof from the Police Chief or his/her designee to the holder of the Certificate, in person or by certified mail addressed to the holder's residence address set forth in the application.


9. All applications for a Certificate of Registration shall be made at least seven (7) days before the desired date of initial solicitation and the Police Department shall act on said application within 5 days of submission of application.

10. The Police Department shall keep a permanent record of all applicants and issuances of Certificates of Registration for soliciting.

11. **Time Limit On Soliciting:** It is hereby declared to be unlawful for any person whether registered under this policy or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof, and engage in soliciting as herein defined, prior to 9:00 AM or after 8:00 PM of any weekday, or at any time on a Sunday or on a State or National holiday.

12. **Permits:** The Town shall provide each solicitor with a permit for solicitation, which must be displayed conspicuously on the outer garment of the solicitor or readily available upon request.

**Approved and unanimously voted to accept at the February 1, 2011, Selectboard meeting**

  
Fredrik A. Marsh, Chair

  
Timothy M. Clark, Vice-chair

  
Robert D. Legare, Clerk

The following was approved at a Personnel Policy Review Committee meeting on March 10, 2011:

That part-time employees will receive vacation time, sick time, and personal time benefits pro-rated as a percentage of benefits for full-time employees as follows:

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*Approved by  
Bos at  
3-15 mtg.*

At the meeting of the Personnel Policy Review Committee held on January 10, 2011, the Committee voted unanimously to make the following changes in the Personnel Policy for the Employees of the Town of Petersham and present those changes to the Selectboard for approval:

### **Definitions:**

**Regular full-time employees:** any person who works a full 40 hours or more per workweek and whose employment has continued or is expected to continue for 12 consecutive months

**Regular part-time employees:** Any person who works a regular weekly schedule averaging no less than 20 hours per week over the fiscal year, for 12 consecutive months

**Occasional part-time employees:** Any part-time or seasonal employee who does not work a regular weekly schedule of at least 20 hours per week over 12 consecutive months

### **Holidays:**

**Holidays for part-time employees:** Part-time employees will be given the day off with full pay provided the holiday falls on the part-time employee's regularly scheduled work day

### **Workweek and Hours:**

**State of Emergency status for all non-essential employees:** Full-time and part-time non-essential employees will not report to work and will receive full pay, for a regularly scheduled work day, provided that a State of Emergency has been declared by the Town of Petersham Emergency Management Director, or the Director's designee.

*Approved  
by BOS.  
1/11/11  
mty*

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*Approved  
by BOS.  
1/11/11  
msh*