

# **CHELSEA PUBLIC SCHOOLS**

## **Non-Bargaining Benefit Policy**

**LEAVE BENEFITS FOR ELIGIBLE EXEMPT EMPLOYEES NOT  
COVERED UNDER INDIVIDUAL CONTRACTS, COLLECTIVE  
BARGAINING AGREEMENTS OR OTHER DISTRICT POLICIES**

**July 2019**

## GENERAL TERMS OF EMPLOYMENT

- SECTION 1 *Exempt employees* are permanent employees of the Chelsea Public Schools who regularly work twenty (20) or more hours per week and who are not otherwise covered by individual contracts, collective bargaining agreements or other established policies.
- SECTION 2 *School Year Employees*: Employees whose regularly scheduled work year is the school year will be entitled to a pro-rata share of vacation, personal and sick leave benefits based on scheduled time worked.
- SECTION 3 *New Employees*: The first six (6) months of employment are considered a probationary period for all Exempt Employees. This period is intended to provide a reasonable time period during which the employee can demonstrate the ability to perform the duties of the position. During this probationary period, an employee may be terminated at any time, for any reason.
- During the probationary period, vacation and sick leave benefits for Exempt Employees shall accrue. Eligibility for paid vacation or sick leave benefits during the probationary period are set forth in the Vacation Leave and Sick Leave provisions.
- SECTION 4 Unless otherwise provided by law, all Exempt Employees of the Chelsea Public Schools are employees at will unless they are covered by individual contracts or other established policies.
- SECTION 5 *Benefit Transference*: If an Exempt Employee is hired by the Chelsea Public Schools after service with any agency of the Commonwealth, or any city or town in Massachusetts, there shall be no credit or transfer of accrued vacation, sick, personal or compensatory time. Prior years of service with any agency of the Commonwealth, or any city or town in Massachusetts may be recognized by the City for such purposes as may be related only to an individual's vacation accrual or longevity payments, and only with the approval of the Human Resources Director and the Superintendent of Schools.
- This recognition will be established at the time of employment or by request with official documentation detailing creditable, continuous prior service with any agency of the Commonwealth or city /town in Massachusetts and with approval, the Exempt Employee's longevity date would be amended on official Personnel Department records for the purpose of determining vacation leave accrual.
- SECTION 6 *Code of Conduct*: All Exempt Employees are subject to the provisions contained in the City of Chelsea Code of Ethics (Chapter 1, Article II of the Revised Ordinances of the City of Chelsea, Massachusetts), the Administrative Code of the City of Chelsea, Chapter 103 of the Acts of 1994, and MGL Ch. 268A.
- SECTION 7 *Drug Free Workplace*. All Exempt Employees are subject to the provisions contained in the Chelsea Public Schools' Alcohol and Drug Policy. Exempt Employees may be required to submit to a drug/alcohol screening after an accident during working hours or upon return from a drug or alcohol rehabilitative leave. The screening will be conducted by a clinic or other authorized contractor who is qualified to perform such screening. When necessary or otherwise required by law, counseling will be made available to the Exempt Employee at no cost.
- Consistent with the Chelsea Public Schools' Alcohol and Drug Policy, the consumption or use of alcohol, intoxicants, narcotic or controlled substances in any form during working hours, or reporting for work under the influence of alcohol, intoxicants, narcotics or controlled substances in any form will result in disciplinary action, up to and including discharge.
- SECTION 8 *General Policies of the Chelsea Public Schools*: All Exempt Employees are subject to the provisions contained in the Chelsea Public Schools' Alcohol and Drug Policy, Sexual Harassment Policy, Tobacco-Free Schools Policy, Smoking in the Workplace Policy and any other policies,

administrative orders, rules or regulations promulgated by the Superintendent of Schools.

SECTION 9 For the purposes of pro-rated benefits, no accrual will be given for months that an employee works less than fifteen (15) working days.

SECTION 10 No Discrimination:  
It is recognized that, to ensure equal opportunity, the employer may take affirmative action to insure equality of opportunity regardless of race, religion, creed, color, sex, sexual orientation, gender identity, national origin, marital status, age or disability, and other categories and conditions covered by state and federal law, and that under law, the employer may be required to provide accommodations to qualified individuals with disabilities.

SECTION 11 Sexual Harassment:  
The School Department pledges that the workplace shall be free from sexual harassment. Discrimination based on sex includes sexual harassment which under Massachusetts law means sexual advances, requests for sexual favors, and other 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 an intimidating, hostile, humiliating or sexually, offensive work environment.

## FRINGE BENEFITS

### Health and Life Insurance

1. Health care benefits are subject to the provisions and procedures of M.G.L. Section 19 and are governed by agreements reached between the City of Chelsea and the Chelsea Public Employee Group. For the agreement between the City and the PEC effective July 1, 2016 through June 30, 2019 contributions for all active employees shall be: Harvard Pilgrim PPO – 30%; Harvard Pilgrim HMO – 20%.

The agreement also provides a Health Reimbursement Arrangement Fund (HRAF) with yearly caps for reimbursing subscribers for any Inpatient Hospitalization copayments incurred throughout the duration of the agreement. Reimbursement requests must be submitted to the City Human Resources office within 90 days of a hospital admission. Payments are made at the end of quarters.

2. **Opt –Out Program** – Employees are eligible for the (Opt-Out Program) Health Insurance Benefit Option Program a policy offered through the City of Chelsea. As of May 2009, employees who participate in the City’s Health Insurance plan for five uninterrupted years are eligible for an incentive payment for opting out of the City’s plan (the policy is subject to change by the City of Chelsea at any time). Information can be obtained from the School Personnel Office or the City Human Resources Department.
3. The School Department will deduct the employee share from payroll checks for participating members on receipt of proper authorization.
4. On the date of retirement, coverage under the City’s health and life insurance plans may be continued through local group.

### Pension

It is recognized that under the laws of the Commonwealth all employees who work twenty (20) hours or more must become members of the contributory retirement system. Membership in the contributory retirement system is subject to the rules of the Chelsea Retirement System.

## WORKING CONDITIONS

### Attendance and Time Records

Although the supervisor is responsible for maintaining accurate records of employee time and attendance, all employees may be required to keep records of time and attendance under the procedures established for their work location.

Employees are required to report for work at their scheduled times and places, unless they are on a scheduled absence from work or an emergency situation causes an unscheduled absence or tardiness.

Employees are expected to begin work on time and to return to and be at work on time after meal or break periods.

### Compensatory Time-with prior approval

Compensatory time must be utilized within three months (90 days) of the date it is accrued. Compensatory time not utilized within that period is forfeited. If there are extenuating circumstances that prohibit an employee from using his/her compensatory time within the 90-day period, the employee, with the approval of his/her supervisor, may utilize such compensatory time within the next 30 days.

**HOLIDAYS/RELIGIOUS HOLIDAYS**

SECTION 1 All eligible Exempt Employees shall be granted leave with pay on the days designated by law for observance of the following holidays:

- |                        |                  |
|------------------------|------------------|
| New Year's Day         | Labor Day        |
| Martin Luther King Day | Columbus Day     |
| President's Day        | Veteran's Day    |
| Patriot's Day          | Thanksgiving Day |
| Memorial Day           | Christmas Day    |
| Independence Day       |                  |

When schools are not in session, employees shall be granted a day off with pay on the day after Thanksgiving and Good Friday

If a holiday occurs on Saturday or Sunday, it shall be observed on either the Friday preceding, or the Monday following the holiday, as determined by the Superintendent of schools, unless such a day is a scheduled school day or another day which will not cause undue hardship.

School Year Employees will be paid for holidays that fall Monday-Friday during the school year.

SECTION 2 If a holiday occurs during the vacation period of an eligible Exempt Employee, the employee shall not be charged a vacation day for that holiday.

The number of hours for which an Exempt Employee is paid on a holiday shall not be considered time worked for overtime or compensatory time off purposes.

SECTION 3 Religious Holidays: The Chelsea Public Schools does not discriminate against Exempt Employees because of their religious beliefs. The School Department will make reasonable accommodation for the religious practices of employees including modifying an employee's work schedule to enable the employee to have certain religious days off.

Exempt employees who give ten (10) day notice of an intended absence from work to observe a religious holiday or Sabbath will not be required to work that day, unless the supervisor can demonstrate that granting the holiday will cause the School Department undue hardship,

The School Department will not compensate the employee for time lost due to religious holidays. Exempt Employees may use personal or vacation days or take unpaid leave in order to observe religious holidays.

## VACATION LEAVE

SECTION 1 On July 1st of each year, Exempt Employees, or upon completion of 90 days of employment, will be advanced their annual allotment of vacation leave for which they will be eligible as of their anniversary date of hire for that particular fiscal year.

School Year Employees will receive up to twelve (12) vacation days with pay to be taken when schools are not in session due to scheduled breaks in the school calendar. Vacation days may be used for days when schools are not in session or snow days. Employees who begin or end service other than at the established school year shall receive a pro-rata share at the rate of 1.25 days per month.

SECTION 2 Every Exempt Employee, excluding school year employees, shall be granted an annual vacation(s) with pay each fiscal year in accordance with the following schedule:

<u>Length of Service</u>	<u>Vacation Period</u>
New Employees hired after July 1	Pro-rata share for each month (over <b>15</b> days) worked
One (1) year to ten (10) years	Three (3) weeks as of anniversary date of hire
Ten (10) years to fifteen (15) years	Four (4) weeks as of anniversary date of hire
Fifteen (15) years or more	Five (5) weeks as of anniversary date of hire

SECTION 3 Vacation leave for eligible Exempt Employees will accrue monthly, beginning with the first month **over 15 days** worked.

Eligible Exempt Employees will be permitted to use vacation leave not yet earned for that fiscal year. However, employees who terminate their employment with the School Department, voluntarily or otherwise, during that fiscal year will be required to reimburse the School Department for any vacation days used but unearned as of the date of termination.

SECTION 4 Requests for vacations shall be submitted by the Exempt Employee in writing to their immediate supervisor for approval no less than two weeks in advance. Requests for vacation time submitted with less than two week notice shall be granted by the immediate supervisor only if doing so does not unduly disrupt the operations of the department.

SECTION 5 The Exempt Employee's immediate supervisor shall have the sole discretion to approve or not approve vacation requests for Exempt Employees, based upon his/her professional opinion concerning the impact such a request would have on the department.

SECTION 6 Full time Exempt Employees with previous permanent full-time\* service with the Chelsea Public Schools shall have the prior period (s) of service included in "length of service," as it relates to Section 1, after their current period of service amounts to twice the period of their absence(s).

SECTION 7 Each eligible Exempt Employee, excluding school year employees, will be allowed to carry over five (5) days of vacation time from one fiscal year to the next, provided those five days are taken prior to December 31st of the following year. Any vacation time carried over and not used by December 31st shall be considered forfeited. No employee will be compensated for vacation days not taken.

SECTION 8 Exempt Employees who terminate service, voluntarily or otherwise, without having been granted the vacation time to which they are entitled, shall be paid an amount equal to the regular rate of compensation payable to them at the time of termination, for any vacation time accrued but not yet taken for the current fiscal year.

SECTION 9 If a flexible schedule is implemented, the regular schedule of benefits will be pro-rated accordingly. (i.e., if an employee works until 7 p.m. on Tuesdays, and until noon time on Fridays, any vacation leave taken on Tuesdays will be charged to the Exempt Employee at the rate of one day and a half. Similarly, vacation leave taken on Fridays will be charged to the Exempt Employee at the rate of one half of a day.)

## **SICK LEAVE**

SECTION 1 Every Exempt Employee, on completion of ninety (90) days of continuous service for the Chelsea Public Schools, shall be granted fifteen (15) days of sick leave for absences caused by legitimate illness or injury. Eligible Exempt Employees will be advanced fifteen (15) days of sick leave on July 1st. (pro-rated for those who commence employment after July 1st).

Sick leave may be utilized for absence caused by illness, injury, exposure to a contagious disease, illness or disability arising out of or caused by pregnancy or childbirth. Sick leave of up to 15 days per year may be used for the care of a sick or injured member of the employee's immediate family who resides in the same household as the employee. For purposes of this provision only, "immediate family," shall consist of the employee's spouse, son, daughter, or parent with a serious health condition.

Sick leave may also be used for a member of the immediate family not residing in the same household with a serious health condition as described in a U.S. Department of Labor "Certification of Health Care" form. If the sick leave exceeds two (2) consecutive days, the form must be completed and submitted within five (5) business days of the leave. Sick leave used under this paragraph cannot exceed 15 days. The rights granted under this section are not in derogation of the right to which employees are entitled under the Family and Medical Leave Act of 1993.

SECTION 2 Sick leave shall accrue monthly for each month of full-time service. Exempt Employees may use any or all said sick leave whether or not yet earned within a given year. However, Exempt Employees who terminate their employment with the Chelsea Public Schools, voluntarily or otherwise, during that year will be required to reimburse the School Department for sick leave which was used, but not yet earned as of their date of termination.

SECTION 3 In order to be eligible for sick leave without loss of pay, Exempt Employees must notify their supervisor of their absence and cause thereof within fifteen (15) minutes of the start of their workday, or as soon thereafter as practicable. Failure to do so may result in disciplinary action and/or loss of pay for that day.

SECTION 4 Any earned, but unused sick leave as of June 30th of every fiscal year may be carried over to the next year and maintained in the Exempt Employees' accrued sick leave balance, without the approval of the supervisor.

SECTION 5 In instances where an Exempt Employee has been absent for five (5) consecutive work days or more, or where the Chelsea Public Schools suspects sick leave abuse may be occurring, the employee may be required by the School Department to submit satisfactory proof of illness prior to receiving sick leave pay.

SECTION 6 Excessive and/or patterned abuse of sick leave shall be cause for the School Department to initiate progressive disciplinary action against the Exempt Employee.

SECTION 7 If an Exempt Employee uses sick leave for purposes other than legitimate illness or non-work incurred injury, the employee may, at the School Department's discretion, be subject to disciplinary action up to and including discharge.

SECTION 8 The School Department may require an Exempt Employee who seeks to return to work after being absent, whether paid or unpaid, for five (5) consecutive work days or more, to be examined by a School Department selected physician to determine the employee's fitness for work.

If the School Department requires a medical certificate, the School Department will pay the cost of the physician's services in examining the Exempt Employee.

SECTION 9 If a flexible schedule is implemented, the regular schedule of benefits will be pro-rated accordingly. (i.e., if an employee works until 7 p.m. on Tuesdays, and until noon time on Fridays, any sick leave taken on Tuesdays will be charged to the Exempt Employee at the rate of one day and a half. Similarly, sick leave taken on Fridays will be charged to the Exempt Employee at the rate of one half of a day.)

SECTION 10 Sick Leave Buy Back: Employees who have an accumulated sick leave balance of at least thirty (30) days at the end of the fiscal year and who have at least 3 full years in service shall be entitled to buy back up to five (5) days at the end of the fiscal year in accordance with the following schedule:

<u>Days Absent</u>	<u># of Days Eligible to Buy Back</u>	<u>Amount</u>
0	5	\$400.00
1	4	\$320.00
2	3	\$240.00
3	2	\$160.00
4	1	\$80.00

SECTION 11 Redemption of sick leave upon retirement or death: In the event of the retirement or death of an employee, the employee or his/her estate may redeem up to 125 days of unused accumulated sick leave at the rate of \$50.00 per day.

### PERSONAL LEAVE

SECTION 1 Every Exempt Employee, on completion of ninety (90) days of continuous employment, shall be granted three (3) days of personal leave annually at the beginning of the fiscal year, pro-rated for those who commence employment after July 1 of a given year. Personal days may be used for personal emergency, but not personal convenience.

**Personal emergency includes home, personal or family exigencies that the employee is unable to schedule for non-work hours, including care of the immediate family or permanent members of the household and non-Chelsea work related court cases.**

**"Immediate family" shall consist of the employee's father, mother, brother, sister, spouse, child, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparents, grandchildren or any relative residing in the same household.**

The use of personal days will not be allowed immediately preceding or immediately following a scheduled vacation or holiday period except in cases deemed to be an emergency by the Superintendent. Unused personal days will be converted to sick days to be carried over into the following year after June 30th.

SECTION 2 Application for personal leave must be made in writing on a prescribed form to the immediate supervisor as early as possible and, except in an emergency, not less than one (1) working day in advance.

SECTION 3 If a flexible schedule is implemented, the regular schedule of benefits will be pro-rated accordingly. (i.e., if an employee works until 7p.m. on Tuesdays, and until noon time on Fridays, any personal leave taken on Tuesdays will be charged to the Exempt Employee at the rate of one



day and a half. Similarly, personal leave taken on Fridays will be charged to the Exempt Employee at the rate of one half of a day.

### SNOW DAYS

In the instances of inclement weather, employees are expected to make a reasonable effort to attend work that day. Employees who determine for safety reasons they cannot attend work should notify their immediate supervisor within 30 minutes of the start of the normal business day. Said employees will be charged a personal day or vacation day.

During severe weather conditions, where there has been an advisory or declaration made by the City Manager of the City of Chelsea employees are not required to report for work, employees shall not be subject to a loss of time or pay for that particular day.

Announcements of these circumstances will be made as follows:

\*Via the City of Chelsea Website and "Emergency Hotline" on 617-466-4255

### LEAVES OF ABSENCE

*Note: While on an unpaid leave of absence, it is the employee's responsibility to pay his/her portion of any health and life insurance premiums payable during the period of absence.*

**SECTION 1 Family and Medical Leave.** The Chelsea Public Schools will meet any obligations set forth under the Family and Medical Leave Act of 1993, which requires covered employers to provide up to 12 weeks of unpaid, job protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year and for 1250 hours over the previous twelve months.

**SECTION 2 Maternity/Parental/Adoptive Leave.** Maternity/Adoptive/Parental leaves will be granted in accordance with Massachusetts Maternity Act at MGL Chapter 149, Section 105D (MMLA) and the Family and Medical Leave Act (FMLA).

An eligible exempt employee who wish to take leave under this section shall inform their immediate supervisor and the Human Resources Department of the anticipated departure at least four (4) weeks in advance. (In the event of notification by an appropriate agency of an adoption date less than four (4) weeks in advance, the notice date will be adjusted accordingly.)

Statutory Leave: Unpaid Massachusetts Maternity Leave (MGL Chapter 149, Section 105D) or unpaid leave under the Family Medical Leave Act Leave is available to employees eligible under these statutes. Employees who are adopting or otherwise taking maternity/paternity leave without giving birth may substitute ten (10) workdays of paid leave, to be deducted from accumulated sick leave, so long as taken consecutively immediately before or following the date of birth or adoption. An employee who is pregnant or giving birth may substitute his/her accumulated personal sick leave to cover days during the school year when she is medically incapacitated from working. An employee who gives birth is assumed medically incapacitated from working for eight (8) weeks following the birth. The duration of Statutory Leave shall not exceed eight (8) weeks (or in the case of FMLA, twelve (12) weeks) from the date of the leave's commencement.

Upon expiration of parental leave, the employee will be restored to his/her prior position or comparable position if the prior position has been filled. Unless leave is extended, an employee who fails to return to employment at the expiration of the maternity leave will be deemed to have resigned his/her employment.

It is recognized that sick leave may be utilized for the care of an incapacitated spouse, child, or for the employee for medical reasons relating to pregnancy.

An employee may apply for a leave without pay for the purpose of caring for a well child.

**SECTION 3**     **Bereavement Leave.** Exempt Employees shall be granted leave of absence with pay in the event of death in the immediate family. Such leave shall extend from the time the employee receives notification of the death to the first work day following the day after the funeral, or memorial service, not to exceed a period of five (5) days.

**"Immediate family" shall consist of the employee's father, mother, brother, sister, spouse, child, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparents, grandchildren or any relative residing in the same household.**

In the event the funeral, or memorial service, of the spouse's grandparents, or the employee's or spouse's aunt, uncle, niece, nephew, brother-in-law, sister-in-law, or a member of the household of the employee occurs on a work day, the Exempt Employees shall be granted leave with pay for one day to attend the funeral or memorial service.

**SECTION 4**     **Personal Leave (Unpaid).** For personal situations not covered by the Family and Medical Leave Act of 1993, any Exempt Employee who has completed five years of permanent service to the Chelsea Public Schools may be granted an administrative leave of absence, without pay, for a period not to exceed six months.

Requests for administrative leave must be submitted, in writing, on a prescribed form to the Supervisor at least two weeks in advance of the date the leave is requested to begin, and must be approved by the Supervisor and Personnel Director.

Exempt Employees may use any accrued vacation time during this period only with the prior approval of the Supervisor and Personnel Director.

*While on unpaid leave, there is no accrual of benefits or service time.*

**SECTION 5**     **Jury Leave.** Exempt Employees required to serve on a jury shall promptly notify their immediate supervisor of the dates and time of said service. Once service is completed the employee must submit proof of the service.

## **WORKERS COMPENSATION**

1. Employees receiving workers' compensation benefits shall continue to accrue seniority during the period of absence. No other benefits shall accrue during the period of absence.
2. An employee who incurs a job-related illness or injury shall promptly file a written report of such illness or injury with his/her supervisor. An employee who is injured in the course of employment and is sent home or to a medical facility shall receive pay for the balance of the day on which the injury occurs. During statutory waiting periods in which no Workers' Compensation weekly disability benefits are permissible, an employee may be paid by applying accrued sick leave.
3. Time lost after statutory waiting periods have been satisfied shall be paid for as provided under the Massachusetts Workers' Compensation Laws. Employees may elect to use benefits to the extent total compensation received does not exceed their regular pay.

## **PROFESSIONAL DEVELOPMENT**

The Chelsea School Department shall provide one-half payment for a course taken by an exempt employee for professional improvement. The courses for which reimbursement is sought shall be subject to prior approval by the Superintendent. Only those courses which are deemed to be job related by the Superintendent shall be approved for reimbursement. This section is subject to any other conditions promulgated by the City of Chelsea. Six (6) courses can be taken in the fall, spring and summer semesters with a maximum of three (3) courses taken in any one semester. A maximum reimbursement of \$500.00 per course will be available.

The employee may apply for tuition reimbursement prior to the beginning of the course or seminar. The approval process shall be completed within one week and voucher issued to the presenting institution or agent to cover the approved cost of the tuition and laboratory fees.

Upon completion of the program for which the advance reimbursement was received, the employee shall submit documentation in the form of a grade card, certificate, transcript or other proof that the course or seminar was successfully completed. Failure to produce the documentation may result in the employee being required to repay all funds advanced.

## **EMPLOYEE RIGHTS**

### **A. Personnel Files**

1. Employees have the right, upon request, to review the contents of their personnel file.
2. Materials relating to an employee's role in the processing of grievances as advocate, Grievant, or witness shall not be placed in an employee's personnel file.
3. No material derogatory to an employee's conduct, service, character, or personality will be placed in her personnel file unless the employee has had an opportunity to read the material. The employee will acknowledge that she has had the opportunity to read such material by affixing her signature to the copy to be filed, with the express understanding that such signature in no way indicates agreement with the contents thereof. The employee will also have the right to submit a written answer to such material and her answer shall be attached to the file copy.
4. An employee shall have the right to submit any pertinent employment related material for inclusion in the employee's own personnel file.
5. Pursuant to applicable state law, employees' medical records will not be kept in their personnel file.

