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TOWN OF WILBRAHAM  
240 Springfield Street  
Wilbraham, Massachusetts 01095

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# **Personnel Board Policies Handbook**

(for non-union employees and employees not elected by popular election)

**Effective August 24, 2010**  
**Amended January 7, 2013**  
**Amended July 15, 2013**  
**Amended June 23, 2014**  
**Amended December 1, 2014**  
**Amended March 21, 2016**  
**Amended June 6, 2016**  
**Amended June 26, 2017**  
**Amended January 28, 2019**

The policies in this manual are personnel policies adopted by the Board of Selectmen in accordance with Town By-Law Section 509: Personnel Board (Art. IV, Sec. 5) and relate only to positions not otherwise covered by a collective bargaining agreement, or positions filled by popular election.

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## **ACCESS TO PERSONNEL FILES**

The Town of Wilbraham maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records. Personnel Files are the property of the Town of Wilbraham.

As required by law, medical, pre-employment reference, investigation in progress, EEO and other private and confidential information is maintained separately in a confidential file. Access to the information Confidential Personnel Files contain is restricted to the employee only. Access to personnel information is also available to those employees who have a legitimate need to access the information (e.g. human resource personnel, personnel charged with administering discipline).

Employees who wish to review their own file and supervisors and managers who wish to review a file of an employee under their supervision should contact the Town Administrator or Human Resources Coordinator. With reasonable advance notice (no longer than five business days), personnel files may be reviewed in the Selectmen's Office in the presence of the Town Administrator, Human Resources Coordinator or other designated confidential employee of the office.

A record of all reviews will be kept in each personnel file.

## **BEREAVEMENT LEAVE**

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

Up to four (4) days of paid bereavement leave will be granted for a death in the immediate family member of an employee, one of which may be used in case of a delayed interment. The immediate family shall be considered to be an employee's current spouse, parents, grandparents, children, step-children, grandchildren, brother, sister, father-in-law, mother-in-law, daughter-in-law, and son-in-law.

In the event of death of an aunt, uncle, niece, nephew, current sister-in-law or current brother-in-law, the employee shall be granted two (2) days of absence, provided, however, that one of those days is the day of the funeral. Leave granted under this section must be for travel to and from and attendance at services related to the funeral of family members of the family of the employee described above.

Eligible employees for this benefit include:

Regular full-time employees, Regular part-time employees, who work a minimum of 20 hours per week (pro-rated benefit)

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

For employees who have been promoted from a union position to a non-union position, paid leave benefits will apply according to the contract provisions in effect at the time of the promotion. (Board of Selectmen, March 21, 2016)

Non-union personnel benefits shall apply to the Deputy Fire Chief (Board of Selectmen, June 6, 2016)

## **EMPLOYEE CONDUCT AND WORK RULES**

To ensure orderly operations and provide the best possible work environment, the Town of Wilbraham expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or unauthorized possession of property of employees, the town or visitors.
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating town-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of town-owned or private property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday
- Unauthorized use of telephones, mail system including e-mail, or other employer-owned equipment
- Unauthorized disclosure of confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct

Employment with the Town of Wilbraham is at the mutual consent of the Town of Wilbraham and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

## **HOLIDAYS**

The Town of Wilbraham will grant holiday time off to employees on holidays listed below.

Eligible employees for this benefit include:

Regular full-time employees, Regular part-time employees who work a minimum of 20 hours per week (pro-rated benefit)

Holiday:

New Year's Day  
Martin Luther King, Jr. Day  
President's Day  
Patriot's Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veteran's Day  
Thanksgiving  
Christmas Eve Half Day\*  
Christmas  
Day after Thanksgiving  
Day after Christmas

Observed:

January 1  
third Monday in January  
third Monday in February  
third Monday in April  
last Monday in May  
July 4  
first Monday in September  
second Monday in October  
November 11  
fourth Thursday in November  
December 24\*  
December 25  
Friday after Thanksgiving  
first workday after December 25

On the day after Thanksgiving and the first workday after Christmas the Town Offices operate with a Skeleton Force. Employees are granted either one of the two days off. It is the responsibility of the department head to ensure adequate staffing levels and where there is a conflict seniority shall govern.

Employees who work on both Skeleton Days (Day after Thanksgiving and Day after Christmas) may take a floating holiday off with pay during the remainder of the fiscal year ending June 30.

\*One half day off is granted on Christmas Eve Day (December 24) if that day falls on a weekday where the town is conducting business.

A recognized holiday which falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

Holiday Pay

Holiday pay will be calculated based on the employee's straight time pay rate as of the date of the holiday. Employees (including on-call firefighters) who are working on the day a holiday is observed will receive time and one half their regular rate of pay for hours worked.

For the Christmas and Thanksgiving holidays the rate of pay shall be two times their straight-time rate for hours worked on the holiday.

Paid time off for holidays will not be counted as hours worked for the purpose of determining overtime.

Holiday work must be approved by the department director and may be required in certain essential departments.

For employees who have been promoted from a union position to a non-union position, paid leave benefits will apply according to the contract provisions in effect at the time of the promotion. (Board of Selectmen, March 21, 2016)

Non-union personnel benefits shall apply to the Deputy Fire Chief (Board of Selectmen, June 6, 2016)

## **JURY DUTY**

The Town of Wilbraham encourages employees to fulfill their civic responsibilities by serving jury duty when required.

Employee classifications that qualify for paid jury duty leave are:  
All employees, including part time, full time, seasonal or temporary.

An employee who serves on jury duty on a regular scheduled work day will continue to receive his/her regular pay from the Town provided that the employee's department head certifies on the payroll that the employee is absent for jury duty. Employees who work in part time (less than 20 hours per week), seasonal or temporary positions, and serve on jury duty on(a) regular scheduled work day(s), shall receive their regular pay for up to three days of such service.

When payment by the court for such jury duty is made, such payment, exclusive of travel or other allowances, shall be refunded to the Town by the employee.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

For employees who have been promoted from a union position to a non-union position, paid leave benefits will apply according to the contract provisions in effect at the time of the promotion. (Board of Selectmen, March 21, 2016)

Non-union personnel benefits shall apply to the Deputy Fire Chief (Board of Selectmen, June 6, 2016); extended to all employees for the first three days of jury duty as required (Board of Selectmen June 26, 2017).

## **MILITARY LEAVE POLICY**

### **A) READY RESERVE/TEMPORARY MILITARY TRAINING:**

This policy is adopted pursuant to and in accordance with the General Laws of Massachusetts, Chapter 149, Section 52A and provides certain protections to all non-temporary town employees who as a member of an Organized Unit of Ready Reserve are called to temporary military training.

Employees are eligible to receive paid leave not to exceed seventeen (17) days in a calendar year, compensated at their regular rate of pay, less any military pay received for said leave. e Any military reserve leave in excess of seventeen (17) days in a calendar year shall be unpaid. Employees may use accrued Vacation and Personal Leave and all provisions and practices for such leave applies. Employees must give written notice of the date of departure and date of return as soon as practicable after having received training orders.

Employees are entitled to be restored to his/her previous position or a similar position with the same status, pay and seniority immediately following such training, provided they are still qualified to perform the duties of the position. The employee's absence for military training shall not affect the employee's right to receive normal vacation, sick leave, bonus, advancement and other advantages of employment normally to be anticipated in her/his particular position.

## B) ACTIVE MILITARY DUTY:

This policy is adopted pursuant to and in accordance with the provisions of the Uniformed Services Employment and Re-employment Rights Act (USERRA). USERRA applies to any employee absent from work because of “services in the uniformed services”. In general, that means the employee is engaged in voluntary or involuntary duty in a uniformed service, including active and inactive duty. “Uniformed Services” is defined broadly to include the Army, Navy, Air Force, Marines, Coast Guard, Army National Guard and Air National Guard and provides re-employment, health benefits and retirement benefits.. By statute, Public Employees called to active duty are “deemed to have been granted leave without pay”.

### Notice Requirement:

An employee is required to provide the town with advance written or oral notice of his or her service obligations to be entitled to USERRA re-employment rights and benefits. Written notice typically consists of a copy of an employee’s military orders, training notices, or induction information. In extraordinary circumstances, where notice is impossible or unreasonable, the notice requirement may be waived.

### Re-Employment Rights:

Re-Employment Rights depend on how long the employee has been in military service:

- (a) if less than 31 days – the returning employee must seek re-employment no later than the beginning of the first full work period on the first full calendar day following completion of service;
- (b) if 30 days but less than 181 days – the returning employee must seek re-employment no later than 14 days following the end of service;
- (c) if more than 180 days – the returning employee must seek re-employment no later than 90 days after discharge;
- (d) if injured during military service – the employee has up to two (2) years to apply for re-employment;

### Job Rights:

If the military service was less than 91 days, the returning employee must be re-employed in the position that the employee would have had in the absence of military leave.

### Discharge:

- (a) if the military service was more than 30 days but less than 181 days – the employee is protected from discharge without cause for six (6) months following re-employment;
- (b) if the military service was for more than 180 days – the employee is protected from discharge without cause for one (1) year following re-employment.

## Insurance Benefits:

Insurance Benefits will continue for the employee on military leave. The employee will be responsible to make timely payments of the portion of the monthly premium he or she would otherwise have deducted from her/his salary.

An employee called to military duty for more than 30 days is eligible for military health and medical coverage. Their families are also covered. Coverage is only for the period that the reservist is on active duty. Under the military program, there is a coordination of benefits when an individual has dual coverage, with the employer's plan being the primary provider.

Where the employee did not continue coverage during military service, the employee, upon re-employment, must receive coverage without any exclusion or waiting period.

## Retirement:

An employee who is reinstated after a military leave of absence receives credit in the retirement system for the period of leave. Upon reinstatement the employee pays into the retirement system the amount the employee would have paid had his/her employment not been interrupted by military service.

## **PERSONAL TIME OFF**

### Eligibility:

Regular full-time employees

Regular part-time employees who work a minimum of 20 hours per week (pro-rated benefit)

### Accrual:

Employees with less than ten (10) years of active service earn one personal day off for each four (4) consecutive calendar months of active employment.

Employees with more than ten (10) years of active service earn one personal day off for each three (3) consecutive calendar months of active employment.

In addition, employees who maintain an accrual of at least 75 days of sick leave shall earn one personal day for each six consecutive months of active employment during which he/she uses no sick leave.

### Conditions:

Use of personal time off shall be mutually agreed upon by the department director and the employee. It is agreed that in any case of emergency a personal day may be taken, in which case the employee shall notify the town prior to the start of your workday.

Personal days are to be taken in no less than one hour increments.

Each June employees have the option of taking one day's pay in lieu of an accrued but unused personal day.

Personal days may be carried over into the new fiscal year in instances where vacation days including personal days do not exceed the two week carry over limit.

For employees who have been promoted from a union position to a non-union position, paid

leave benefits will apply according to the contract provisions in effect at the time of the promotion. (Board of Selectmen, March 21, 2016)

Non-union personnel benefits shall apply to the Deputy Fire Chief (Board of Selectmen, June 6, 2016)

### **PROGRESSIVE DISCIPLINE**

The purpose of this policy is to state the Town of Wilbraham's position on administering equitable discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The Town's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action with respect to minor or less serious infraction is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment of employees who are not covered by a bargaining agreement or personal employment contract with the Town of Wilbraham, is based on mutual consent and both the employee and the Town have the right to terminate employment at will, with or without cause or advance notice, the Town may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense of the same or of a different nature may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment. Progressive discipline steps are appropriate in cases of minor offenses or infractions or infractions of a less serious nature.

The Town recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct and Work Rules policy includes examples of problems that may result in immediate suspension or termination of employment.

### **SEAT BELT POLICY, HELMET POLICY**

All occupants of vehicles owned or leased by the Town of Wilbraham shall fasten their seat belts upon entering their vehicle and shall keep them properly fastened as long as the vehicle is in motion.

It is the policy of the Town of Wilbraham that no employee shall ride outside the passenger compartment of a vehicle. All individuals in town-owned vehicles must be seated inside and wear seatbelts. There will be NO exceptions to this policy. This policy will be rigorously enforced. Failure to comply may result in disciplinary action up to and including dismissal.

It is the policy of the Town of Wilbraham that helmets are required when riding a motorcycle or bicycle on town business.

Occupants of privately owned vehicles while engaging in town related business are hereby directed to abide by the above stated policies. We encourage you to use seat belts and helmets on your own time as well because we value you and want you to be safe at all times.

## **SICK LEAVE BENEFITS**

### **Eligibility:**

The Town of Wilbraham provides paid sick leave benefits to all eligible employees for periods of temporary absence due to bona fide personal illnesses or injuries. Eligible employee classification(s):

Regular full-time employees

Regular part-time employees who work a minimum of 20 hrs/week (pro rated benefit)

After the initial date of hire, employees may request use of up to three (3) days of sick leave after completing a waiting period of 90 calendar days.

For employees who have been promoted from a union position to a non-union position, paid leave benefits will apply according to the contract provisions in effect at the time of the promotion. (Board of Selectmen, March 21, 2016)

Non-union personnel benefits shall apply to the Deputy Fire Chief (Board of Selectmen, June 6, 2016)

### **Accrual:**

Eligible employees will accrue sick leave benefits at the rate of fifteen (15) days per year (one day for each full month of service). The first three days will accrue on July 1.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 180 calendar days sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

If an employee who has accrued 75 days of sick benefit or more and does not use any sick time for six (6) consecutive months of active employment he/she will be accredited one (1) additional personal day.

**Sick Leave Buy-back:**

Unused sick leave benefits will be paid at the rate of 40% for up to 180 days upon retirement or the employee's beneficiary in case of death of the employee. The employee must provide written notice to the Town of his/her date of retirement no later than **January 1** of the fiscal year preceding the fiscal year during which the employee will retire to allow the Town to budget for this expense. If the employee fails to give notice within this time frame, the Town will budget for the expense with the next following budget cycle and make payment in full with the first warrant of the next fiscal year.

**Conditions:**

Paid sick leave can be used in minimum increments of one-half hour. Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may be used for absences due to medical and dental appointments. It may not be used for any other absence. The Town reserves the right to investigate patterns of sick leave use which indicate possible abuse of the sick leave benefit.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence.

If an employee is absent for five or more consecutive days due to illness or injury, a physician's statement must be provided verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition of receiving sick leave benefits.

Sick leave benefits will be used for the first five (5) days of absence due to a work related injury or illness, and to supplement any payments that an employee is eligible to receive from workers' compensation insurance. The combination of any such workers compensation payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

Before returning to work from a sick leave absence of five calendar days or more, an employee must provide a physician's verification that he or she may safely return to work.

**Dependent Sick Leave:**

Paid sick leave can be used in minimum increments of one-half hour. Eligible employees may use sick leave benefits for absence due to their own illness or injury. However, an employee may utilize up to five (5) accrued sick leave days per fiscal year to care for an immediate family member (spouse, parent, grandparent, sibling or child) if all accrued personal days and any vacation days in excess of four (4) weeks have been exhausted.

**(Amended 1-28-2019: sick leave buy back deadline to Jan 1; use in half hour increments; allowed for medical appointments; WC language clarified; close family defined for dependent sick leave).**

**VACATION BENEFITS**

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classifications are eligible to earn and use vacation time as described in this policy:

Regular full-time employees

Regular part-time employees, who work a minimum of 20 hours per week (pro-rated benefit)

For employees who have been promoted from a union position to a non-union position, paid leave benefits will apply according to the contract provisions in effect at the time of the promotion. (Board of Selectmen, March 21, 2016)

Non-union personnel benefits shall apply to the Deputy Fire Chief (Board of Selectmen, June 6, 2016)

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule. Vacation time is appropriated with the beginning of each fiscal year on July 1 and is available for use in the fiscal year following its accrual.

Employees may carry up to ten days of previously accrued vacation into the next fiscal year provided that the employee has used ten days (or all available time if less than ten days) of vacation during the previous fiscal year. Any vacation time over ten days which has not been used by June 30 will not be added to the July 1 benefit accrual records.

#### VACATION EARNING SCHEDULE

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YEARS OF ELIGIBLE SERVICE

New employees (first fiscal year only)

VACATION DAYS EACH YEAR

Employees hired between July 1 and December 31 will earn one day for each full calendar month of service to be allocated on January 1. They will earn the rest of their 10 day allotment during the next 6 months to be allocated on July 1. Employees hired between January 1 and June 30 will earn one day for each full calendar month of service to be allocated on July 1.

During each fiscal year in which an employee reaches at least one (1) year but less than 5 years of Town employment service, the employee will be entitled to then (10) days of paid vacation.

During each fiscal year in which an employee reaches at least five (5) years but less than 10 (ten) years of Town employment service, the employee will be entitled to fifteen (15) days of paid vacation.

During each fiscal year in which an employee reaches at least ten (10) years but less than fifteen (15) years of Town employment service, the employee will be entitled to twenty (20) days of paid vacation.

During each fiscal year in which an employee will reach at least fifteen (15) but less than twenty years of Town employment service, the employee will be entitled to twenty-five (25) days of paid vacation.

The Town reserves the right to negotiate paid vacation leave with candidates for employment as part of a complete compensation package where the loss of vacation leave earned during previous relevant work experience would be detrimental to the filling of non-union management positions with well qualified candidates.

The vacation benefit is pro-rated for any year in which the employee was on unpaid leave (including medical leave not covered by Worker's Compensation) for more than three (3) weeks.

Employees on medical leave covered by Workers' Compensation or compensated under MGL Chapter 41 Section 111F shall accrue vacation for a maximum of twelve (12) months of such leave.

An employee's benefit year may be extended for any significant leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Paid vacation can be used in minimum increments of one half workday. To take vacation, employees should request advance approval from their supervisors. Department Directors should notify the Town Administrator well in advance. Requests will be reviewed based on a number of factors, including seniority and staffing requirements. It is the Department Director's responsibility to ensure adequate staffing at all times and anticipate the need for essential employees at times of departmental need.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work. If termination is caused by death, such payment shall be made to the employee's estate.

An employee who becomes sick or is injured while on vacation may request that some or all the remaining vacation leave be converted to sick leave. The town may request a medical providers' certification.

**(Amended 1-28-2019 for first fiscal year employment plus adding of right to negotiate for new employees).**

## **CLOTHING AND UNIFORM ALLOWANCE**

Employees in certain positions where certain uniform or protective clothing is required are eligible to receive an annual allowance according to this schedule:

The employees in the following positions, who as a regular part to their job visit construction sites in all weather conditions, and are required to wear appropriate protective clothing, including but not limited to slip resistant work boots, gloves, and protective outerwear, shall receive a one time cash payment in the amount of \$600.00 with the first payroll of each fiscal year:

DPW Director/Town Engineer, Assistant DPW Director/Town Engineer, DPW Superintendent of Operations, Water Superintendent, Engineering Assistant, Building Inspector, Facilities and Grounds Maintenance Supervisor

Employees in the position of Police Captain shall comply with the uniform standards established for all uniformed personnel in the Wilbraham Police Department, and shall be reimbursed at the same rate and in the same manner as regular police officers.

The employee in the position of Deputy Fire Chief shall comply with the uniform standards established for all uniformed personnel in the Wilbraham Fire Department, and shall be reimbursed at the same rate and in the same manner as regular Firefighter/EMT's.

**(Approved Board of Selectmen January 7, 2013). (Amended by adding Facilities & Grounds Maintenance Supervisor on July 15, 2013) (Amended by adding Deputy Fire Chief on 12/1/2014).**

Town of Wilbraham, Massachusetts

**ACKNOWLEDGEMENT FORM –  
PERSONNEL POLICIES HANDBOOK FOR NON-UNION EMPLOYEES**

\_\_\_\_\_  
PRINT NAME OF EMPLOYEE

\_\_\_\_\_  
DATE

**I ACKNOWLEDGE RECEIPT OF THE FOLLOWING PERSONNEL POLICIES FOR NON-UNION EMPLOYEES CURRENTLY IN EFFECT AND HAVE READ THEIR CONTENTS:**

- Access to Personnel Files
- Bereavement Leave
- Employee Conduct and Work Rules
- Holidays
- Jury Duty
- Maternity Leave
- Military Leave
- Paid Personal Time Off
- Progressive Discipline
- Seat Belt Policy, Helmet Use Policy
- Sick Leave
- Vacation Leave
- Uniform/Clothing Allowance

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness