

**TOWN OF TISBURY
PERSONNEL BOARD/PERSONNEL DIRECTOR**

Adopted July 19th, 2018. Updated 10.25.24.

WORKPLACE CONDUCT POLICY

A. The purpose of this policy is to establish clear expectations for employee behavior, promote a positive and respectful work environment, and provide guidelines for addressing conduct related to issues.

This policy and all its sections shall apply to every hired and appointed official acting on behalf of the Town, and covers all of their actions and communications whether spoken or written including but not limited to all electronic communications including social media. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times regarding workplace issues. They are expected to keep in mind their responsibilities, the interests of the Town and the welfare of its residents.

- Tisbury is committed to maintaining a workplace that is respectful, including and free from discrimination, harassment and other forms of inappropriate behavior. All employees are expected to conduct themselves in a professional and courteous manner to all town employees and members of the public. Employees are expected to conduct themselves in a manner, which in no way discredits the town, public officials or fellow employees.
- **Demonstrate Professionalism:** Exhibit professional behavior at all times including punctuality, dress code adherence, and respectful communication with colleagues, supervisors, and the public.
- **Respect Others:** Treat all individuals with dignity and respect, avoiding any behavior that could be construed as harassment, discrimination, or bullying. Hostile, humiliating, disrespectful, intimidating, abusive language or behavior will not be tolerated.
- **Follow Policies and Procedures:** Adhere to all municipal policies, procedures, and guidelines, including those related to safety, confidentiality, and ethics.
- **Maintain a Harassment-Free Workplace:** Refrain from any form of harassment, including sexual harassment, based on race, color, national origin, sex, disability, age, religion, or any other protected characteristic.
- **Avoid Conflicts of Interest:** Disclose any potential conflicts of interest and avoid actions that could create an appearance of impropriety or bias.

B. Employees have an obligation to be present at work as required and to be absent from the workplace only with proper authorization; to carry out their duties in an efficient, polite and competent manner; to maintain specified standards of performance; to comply with lawful employer instructions as directed; to respect the privacy of individuals and use confidential information only for the purposes for which it was intended; to neither use, nor allow the use of Town property, resources, or funds for other

than authorized purposes; to incur no liability on the part of the Town without proper authorization; and to maintain all qualifications necessary for the performance of their duties legally and efficiently.

Examples of behavior that may be sufficient grounds for disciplinary action include, but are by no means limited to:

- Violation of any Town policy;
- Misrepresentation, falsification or omission on the employment application or resume or other materials upon which a hiring decision was based.
- Falsification of records, including signing in or out for another employee or allowing another employee to sign in or out for you;
- Engaging in fraud; or Falsification of timesheets.

Engaging in sexual harassment

- Incompetence or inefficiency in performing assigned duties satisfactorily
- Inability to perform one or more critical elements of the position.
- Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor.
- Engaging in unprofessional conduct;
- Failure to follow safety rules or to report unsafe actions or conditions;
- Unexcused absences; and Excessive or patterned absenteeism or lateness;
- Treating individuals with disrespect, avoiding any behavior that could be construed as harassment, discrimination, or bullying. Hostile, humiliating, disrespectful, intimidating, abusive language or behavior.
- Revealing or making available any information of a confidential nature to any person not authorized or entitled to receive it;
- Stealing, theft or misappropriation of citizen, employee or Town property; unauthorized removal of any of the above;
- Negligent use or destruction or damage of the property of the Town, any employee or citizen;
- Malingering, loitering or sleeping on the job;
- Reporting for duty impaired by alcohol or drugs, including prescription drugs;
- Engaging in behavior that could violate the Sexual Harassment policy;
- Gambling while on duty or on Town premises;
- Possession of weapon not required by duties;
- Violation of safety rules, practices or policies.
- Misuse or unauthorized use of town property
- Use or possession of illegal narcotics, marijuana, or alcohol while on duty

- Provoking or instigation of a fight with another employee or any other person during working hours or on Town property;
- Insubordination;
- Conduct contrary to the best interest of the Town, its residents or employees while on or off duty.

C. The intent of this policy is to ensure that: 1) employees meet the Town's legitimate expectations in the areas of performance and behavior; 2) employees whose performance or behaviors are deficient are provided with the necessary assistance and motivation to meet the Town's expectations; and 3) disciplinary action initiated against an employee is fair and appropriate.

D. Failure to behave in a manner consistent with the standards of conduct and policies included herein may result in disciplinary action being initiated against the offending employee. The Town shall utilize a fair and equitable process in reviewing an employee's alleged violation of these standards and policies and shall discipline the employee, if called for, in a manner appropriate given the violation.

CONFLICT OF INTEREST

The purpose of this policy is to ensure that Town employees and officials comply with the requirements of M.G.L. Ch. 268A, which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law, as outlined below. Town employees and officials may not:

- A. Ask for or accept anything (regardless of its value) if it is offered in exchange for you agreeing to perform or not perform an official act.
- B. Ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes, and complimentary tickets to charitable events. If a prohibited gift is offered, you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer," provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
- C. Hire, promote, supervise or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- D. Take any type of official action which will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not participate in licensing or inspection processes involving a family member's business.

E. Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director, or trustee. For instance: you may not take any official action regarding an “after hours” employer, or its geographic competitors; you may not participate in licensing, inspection, zoning, or other issues that affect a company you own or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact that organization or its competitors.

F. Have more than one job with the same municipality or county or more than one job with the state, unless you qualify for an exemption.

G. Have a financial interest in a contract with your public employer except under special circumstances. For instance: if you are a Town employee, a company you own may not be a vendor to that Town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.

H. Represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.

I. Ever disclose confidential information, data, or material which you gained or learned as a public employee.

J. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure.

K. Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to you officially to propose private business dealings.

L. Use public resources for political or private purposes. Examples of “public resources” include: computers, phones, fax machines, postage machines, copiers, cars, staff time, sick time, uniforms, and official seals.

M. After leaving public service, take a job involving public contractors or any other particular matter in which you participated as a public employee.

Mandatory Training

All employees and officials shall participate and comply with the required training provisions of M.G.L. Ch. 268A, Section 28, and any other applicable training requirements.

ETHICS

All persons employed by the Town hold positions of public trust and, as a result, are expected to conduct themselves in a highly professional, ethical and appropriate manner. Employees shall avoid any

action that might create the impression of using public office for private gain, giving preferential treatment to any person, or lacking impartiality in conducting Town business. Employees are expected to adhere to conduct established by the laws of the Commonwealth, including but not limited to Chapter 268A of the Massachusetts General Laws, the Conflict of Interest statute.

GIFTS AND GRATUITIES

It is the policy of the Town of Tisbury that no Town employee may accept a cash gift or a gift of value exceeding \$50.00 for providing a Town service for which the Town already pays him or her. This policy is intended to fully meet the requirements of Massachusetts General Law 268A, (Conflict of Interest Law).

The seeking of gifts, promises, cash or anything else of value in return for an official favor or a promise of an action or inaction may be considered a bribe and is prohibited.

Acceptance of any cash, gifts, gratuities, or items of value exceeding \$50.00 is prohibited for all town employees. If a person wishes to make a contribution to a Town department or the town more generally, it may be accepted by the department and forwarded to the Board of Selectmen for formal acceptance. If the gift has been designated for a department or a specific departmental need, it will be credited to that department's budget by the Finance Director.

Any town employee found to be in violation of this policy will be subject to disciplinary actions.

A town employee who is found to have accepted or requested a bribe will be terminated.

POLITICAL ACTIVITY

The Federal Hatch Act, as well as Massachusetts General Laws Chapter 55, as administered by the Massachusetts Office of Campaign and Political Finance (OCPF), restricts political activities of public employees. During work hours, employees may not work or be assigned to work for or on behalf of a political candidate or activity or participate in other political activity such as lobbying, collecting funds, making speeches, assisting at meetings or distributing political pamphlets or signing nomination papers. Under no circumstances may an employee participate in any form of fundraising for a political candidate or activity. All employees shall comply with the Hatch Act and OCPF requirements. Furthermore, no employee shall use Town property or equipment for political activities at any time.

SOCIAL NETWORKING

A. INTRODUCTION

This Policy is intended to provide guidance with regard to the personal use of social networking sites during non-work hours and on equipment not belonging to the Town. Use of such social networking sites during work hours or on equipment owned and/or maintained by the Town is strictly prohibited.

B. PURPOSE

Because of the Town's substantial interest in maintaining a professional, collegial, confidential, and impartial workplace, it is imperative that all Town employees who engage in use of social networking sites, such as Facebook, Twitter, and others, accept the terms of this policy and any such additional related policies that may be issued by the Town. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Employees are reminded that information posted on the internet can be easily traced back to its author and should think before posting information to any online source. Statements made by employees pursuant to their official duties are not insulated from discipline because they occurred on social networking sites. The list of social networking sites contained above is not intended to be exhaustive, and shall be deemed to include any social networking sites in existence at the time this policy is reviewed by the employee or created thereafter.

C. GUIDELINES FOR USAGE

1. Professional Judgment. Employees are encouraged to use professional judgment at all times with regard to personal use of social networking sites. In using social networking sites, employees should at all times be respectful to co-workers, residents, or persons seeking assistance from the Town. Employees should not disclose confidential information, engage in any unlawful activity, or convey information that is disparaging or defamatory while using social networking sites, and should refrain from making comments or statements based upon race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or any other basis prohibited under state or federal anti-discrimination statutes. Such statements or comments occurring online and/or through use of social networking sites will not be tolerated.
2. Improper Practices. It is not possible to list all the circumstances that may constitute violations of this policy. Activities and/or actions which are considered offensive are messages or material which contain nudity, sexual references or implications, sharing demeaning pictures, cartoons, or jokes, racial or ethnic slurs, or other comments that inappropriately address someone's race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or any other criteria (?) prohibited under state or federal anti-discrimination statutes.

D. VIOLATIONS OF POLICY

Violation(s) of this policy may result in disciplinary action up to and including termination from employment. Violations of this policy may also result in referral of a case to the appropriate authorities for civil or criminal prosecution. Employees shall report violations of this Policy to their supervisor, or in the case of department heads, directly to the Town Administrator. Retaliation against another user for reporting a violation or violations of this Policy is strictly prohibited by the Town.

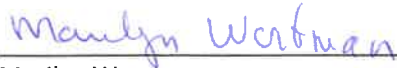
Any employee with a question regarding this Policy should contact the Personnel Director.

This policy was adopted on 10.25.24 at a public hearing of the Personnel Board and is effective immediately.



John F. Schilling

Date



Marilyn Wortman



Date

James Rogers

Date