



**TOWN OF MANSFIELD
DRUG-FREE WORKPLACE POLICY STATEMENT**

In accordance with 41 U.S.C., Sec. 701 – 707, the Town of Mansfield acting through the Town Manager as Personnel Director will provide a drug free workplace. This drug free workplace policy statement certified that:

- (a) All employees will review and retain a copy of this statement. Employees are hereby notified that unlawful manufacturing, distribution, dispensation, possession, or use of a controlled substance is prohibited when in the employ of the Town of Mansfield. Any employee in violation of the above statement will be subject to disciplinary action which may include termination.
- (b) The purpose of establishing a drug free workplace is to inform Town employees about:
 - a. The serious dangers of drug abuse in the workplace.
 - b. The Town's policy of maintaining a drug free workplace.
 - c. Available drug counseling, rehabilitation and employee assistance programs.
 - d. The consequences of employee drug use in the workplace (see (a) above).
- (c) All employees will be given a copy of this statement to retain and review.
- (d) As a condition of employment, all employees must abide by the terms of this statement and notify the Department Head or Town Manager within five (5) days of any criminal drug statute conviction of which the actual criminal conduct itself occurred in the workplace.
- (e) The Town of Mansfield will notify the federal granting agency within ten (10) days after receiving notice of any criminal drug statute conviction as detailed in (d) above.
- (f) The Town of Mansfield will, within thirty (30) days of receiving any such notice under (d) above, take appropriate personnel action against an employee, which may include disciplinary action up to and including termination; and/or require such employee to participate satisfactorily in an approved drug abuse or assistance program.

**Town of Mansfield
General Notice of COBRA Continuation Coverage Rights**

**** Continuation Coverage Rights Under COBRA****

Introduction

You're getting this notice because you recently gained coverage under a group health plan (the Plan). This notice has important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. **This notice explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect your right to get it.** When you become eligible for COBRA, you may also become eligible for other coverage options that may cost less than COBRA continuation coverage.

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you and other members of your family when group health coverage would otherwise end. For more information about your rights and obligations under the Plan and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator.

You may have other options available to you when you lose group health coverage. For example, you may be eligible to buy an individual plan through the Health Insurance Marketplace. By enrolling in coverage through the Marketplace, you may qualify for lower costs on your monthly premiums and lower out-of-pocket costs. Additionally, you may qualify for a 30-day special enrollment period for another group health plan for which you are eligible (such as a spouse's plan), even if that plan generally doesn't accept late enrollees.

What is COBRA continuation coverage?

COBRA continuation coverage is a continuation of Plan coverage when it would otherwise end because of a life event. This is also called a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you're an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

- Your hours of employment are reduced, or
- Your employment ends for any reason other than your gross misconduct.

If you're the spouse of an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than his or her gross misconduct;
- Your spouse becomes entitled to Medicare benefits (under Part A, Part B, or both); or
- You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they lose coverage under the Plan because of the following qualifying events:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than his or her gross misconduct;
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both);
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the Plan as a "dependent child."

Sometimes, filing a proceeding in bankruptcy under title 11 of the United States Code can be a qualifying event. If a proceeding in bankruptcy is filed with respect to the Town of Mansfield, and that bankruptcy results in the loss of coverage of any retired employee covered under the Plan, the retired employee will become a qualified beneficiary. The retired employee's spouse, surviving spouse, and dependent children will also become qualified beneficiaries if bankruptcy results in the loss of their coverage under the Plan.

When is COBRA continuation coverage available?

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. The employer must notify the Plan Administrator of the following qualifying events:

- The end of employment or reduction of hours of employment;
- Death of the employee;
- Commencement of a proceeding in bankruptcy with respect to the employer;]; or
- The employee's becoming entitled to Medicare benefits (under Part A, Part B, or both).

For all other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days after the qualifying event occurs. You must provide this notice to the appropriate individual in the Departments listed at the bottom of this notice.

How is COBRA continuation coverage provided?

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

COBRA continuation coverage is a temporary continuation of coverage that generally lasts for 18 months due to employment termination or reduction of hours of work. Certain qualifying events, or a second qualifying event during the initial period of coverage, may permit a beneficiary to receive a maximum of 36 months of coverage.

There are also ways in which this 18-month period of COBRA continuation coverage can be extended:

Disability extension of 18-month period of COBRA continuation coverage

If you or anyone in your family covered under the Plan is determined by Social Security to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to get up to an additional 11 months of COBRA continuation coverage, for a maximum of 29 months. The disability would have

to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of COBRA continuation coverage.

Second qualifying event extension of 18-month period of continuation coverage

If your family experiences another qualifying event during the 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if the Plan is properly notified about the second qualifying event. This extension may be available to the spouse and any dependent children getting COBRA continuation coverage if the employee or former employee dies; becomes entitled to Medicare benefits (under Part A, Part B, or both); gets divorced or legally separated; or if the dependent child stops being eligible under the Plan as a dependent child. This extension is only available if the second qualifying event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

Are there other coverage options besides COBRA Continuation Coverage?

Yes. Instead of enrolling in COBRA continuation coverage, there may be other coverage options for you and your family through the Health Insurance Marketplace, Medicaid, or other group health plan coverage options (such as a spouse's plan) through what is called a "special enrollment period." Some of these options may cost less than COBRA continuation coverage. You can learn more about many of these options at www.healthcare.gov.

If you have questions

Questions concerning your Plan or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For more information about your rights under the Employee Retirement Income Security Act (ERISA), including COBRA, the Patient Protection and Affordable Care Act, and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit www.dol.gov/ebsa. For more information about the Marketplace, visit www.HealthCare.gov.

Keep your Plan informed of address changes

To protect your family's rights, let the Plan Administrator know about any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

Plan contact information:

HMO Blue Value
HMO Blue Deductable
Blue Care Elect Value
Blue Care Elect Deductable

Treasurer/Collectors Office
6 Park Row, Mansfield, MA 02048
508-261-6427

Human Resources
6 Park Row, Mansfield, MA 02048
508-851-6414



TOWN OF MANSFIELD HIPAA MEDICAL PRIVACY NOTICE

Objective

The Town of Mansfield has adopted a policy that protects the privacy and confidentiality of protected health information (PHI) whenever it is used by Town representatives. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to PHI in the course of their jobs.

Protected Health Information Defined

PHI refers to individually identifiable health information received by the Town's group health plans or received by a health care provider, health plan or health care clearinghouse that relates to the past or present health of an individual or to payment of health care claims. PHI information includes medical conditions, health status, claims experience, medical histories, physical examinations, genetic information and evidence of disability.

The HIPAA Compliance Officer

The Town has designated the Director of Human Resources as the HIPAA compliance officer (HCO), and any questions or issues regarding PHI should be presented to the HCO for resolution. The HCO is also charged with the responsibility for:

- Issuing procedural guidelines for access for PHI.
- Developing a matrix for personnel who will need access to PHI.
- Developing guidelines for describing how and when PHI will be maintained, used, transferred or transmitted.

Annual Activities Necessitating Use of PHI

Annually or more frequently as necessary, The Town of Mansfield performs enrollment, changes in enrollment and payroll deductions; provides assistance in claims problem resolution and explanation of benefits issues; and assists in coordination of benefits with other providers. Some or all of these activities may require the use or transmission of PHI. Thus, all information related to these processes will be maintained in confidence, and employees will not disclose PHI from these processes for employment-related actions, except as provided by administrative procedures approved by the HCO. General rules follow:

- Disclosures that do not qualify as PHI-protected disclosures include:
 - Disclosure of PHI to the individual to whom the PHI belongs.
 - Requests by providers for treatment or payment.
 - Disclosures requested to be made to authorized parties by the individual PHI holder.
 - Disclosures to government agencies for reporting or enforcement purposes.
 - Disclosures to workers' compensation providers and those authorized by the workers' compensation providers.
- Information regarding whether an individual is covered by a plan for claims processing purposes may be disclosed.
- Information external to the health plan is not considered PHI if the information is being furnished for claims processing purposes involving workers' compensation or short- or long-term disability and medical information received to verify Americans with Disabilities Act (ADA) or Family and Medical Leave Act (FMLA) status.

Records Retention

Personnel records and disclosures of PHI will be maintained for a period of six years as required by federal law, unless a state law requires a longer retention period. Records that have been maintained for the maximum interval will be destroyed in a manner to ensure that such data are not compromised in the future in accordance with the Town record destruction policy.



Town of Mansfield

6 Park Row, Mansfield, Massachusetts 02048

Title: PROHIBITED HARASSMENT
Effective Date: 09/21/2016
Replaces: August 2005
Original Date: N/A

Policy Number: 001

Originated By: Human Resources

1. PURPOSE

It is the intention of the Town of Mansfield to provide a workplace free of harassment on the basis of race, color, religion, national origin, ancestry, sex (including pregnancy), age, handicap (mental or physical disability), sexual orientation, gender identity, genetic information, military service or veteran's status, or any category protected by applicable State or Federal law.

2. APPLIES TO

All Town employees.

3. INTERPRETATION OF POLICY

The Town retains the sole right to determine all questions and interpretations and/or application of this policy. Nothing contained herein shall be deemed to create, constitute or imply a contract between the Town and any of its employees. All questions concerning interpretation or application of this policy are to be addressed to the Director of Human Resources or his/her designee.

4. DEFINITIONS

4.1 Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Some examples of conduct that may constitute such harassment are; Epithets, slurs, language, jokes or other remarks or the display or use of objects or pictures that denigrate another person's race, religion, gender, disability, etc.

This list is not exhaustive. The severity of the conduct and the degree of pervasiveness are considered when evaluating whether particular conduct constitutes sexual harassment.

4.2 Other Types of Harassment

Harassment on the basis of race, color, religion, national origin, ancestry, sex (including pregnancy), age, handicap (mental or physical disability), sexual orientation, gender identity, genetic information, military service or veteran's status, or any category protected by applicable State or Federal law, where it:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects an individual's employment opportunities.

Some examples of conduct that may constitute such harassment are; Epithets, slurs, language, jokes or other remarks or the display or use of objects or pictures that denigrate another person's race, religion, gender, disability, etc.

This list is not exhaustive. The severity of the conduct and the degree of pervasiveness are considered when evaluating whether particular conduct constitutes sexual harassment.

5. **POLICY**

- 5.1 It is unlawful and against Town policy for any employee to engage in harassment of another employee, a resident, or a vendor or supplier to the Town on the basis of any classification covered by this policy.
- 5.2 Sexual harassment is unlawful and against Town policy and will not be tolerated. It is unlawful and against Town policy for any employee to threaten, suggest or imply that submission to sexual advances is a condition of employment or the basis for any employment-related decision.
- 5.3 It is unlawful and against Town policy to retaliate or threaten to retaliate against any employee for asserting his/her protected rights, complaining about sexual or any other type of harassment or discrimination, or for cooperating with or participating in an investigation of any claimed harassment or discrimination prohibited by this policy.
- 5.2 The dissemination in the workplace of voice mail, e-mail, graphics, downloaded material or websites which contain sexually explicit material or material that denigrates anyone on the basis of any criteria protected by law is strictly prohibited.

6. **PROCEDURE**

6.1 Employee Responsibilities

Employees should promptly report any form of harassment, discrimination or retaliation to their Supervisor, Department Head or the Human Resources Department. If a supervisor is the source of the alleged harassment, the employee should report it directly to the Director of Human Resources at ext. 66414.

An employee who believes that an incident of harassment or retaliation has not been adequately investigated or corrected should immediately notify the Town Manager at ext. 66401. Any employee may file a complaint of harassment, discrimination or retaliation directly with the State or Federal agencies referenced on the last page of this policy.

6.2 Department Heads and Supervisor Responsibilities

Department Heads who learn of conduct that might constitute harassment or retaliation in violation of this policy are required to immediately report it to the Town Manager or to the Director of Human Resources.

Department Heads and supervisors are required to report such conduct even when an employee requests that the matter not be reported to anyone else in management or to Human Resources. The appropriate response in such a case is "as a member of management, I am obligated by law and Town policy to bring this matter to the attention of Human Resources."

Department Heads and supervisors who learn of conduct that might constitute a violation of this policy, but who fail to report it, will be subject to disciplinary action.

6.3 Human Resources Responsibilities

The Human Resources Department will promptly investigate all reports of harassment or retaliation. If the investigation reveals that a violation of this policy has occurred, the Town will act promptly to eliminate the offending conduct and, where appropriate, take disciplinary and/or other remedial action. Depending on the circumstances, such discipline may include written warning, suspension, demotion or termination of employment. The Town may also impose corrective, remedial and disciplinary action when it determines that, although the conduct did not rise to the level of unlawful conduct, the conduct was unacceptable or inappropriate.

All employees are expected to cooperate in such an investigation to the extent permitted by law. Management will treat information discovered during the investigation as confidential to the extent possible. When the Town has completed the investigation, the Town will inform the complaining party of the results of the investigation. However, because disciplinary action is generally a private, confidential matter between an employee and employer, the Town will not necessarily disclose to the complaining party the nature of any disciplinary action taken.

The Town recognizes that false accusations, especially of sexual harassment, may have serious effects on innocent persons. If the Town determines that an employee has knowingly made a false accusation or provided false information regarding another person, the Town may take appropriate disciplinary action against the employee, up to including termination of employment.

7. GENERAL

None

8. EXCEPTIONS

None

9. FORMS

None

**ADDENDUM A
SEXUAL HARASSMENT**

1. An employee who wishes to file a complaint of sexual harassment should contact Patricia Firing, Director of Human Resources, Town of Mansfield, Six Park Row, Mansfield, MA 02048, at 508-851-6414.
2. An employee who wishes to file a complaint of sexual harassment may contact the following agency:

Massachusetts Commission Against Discrimination (within 300 days)

One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000
(617) 994-6196 (TTY)

455 Main Street, Room 100
Worcester, MA 01608
(508- 799-8010

436 Dwight Street, Suite 220
Springfield, MA 01104
(413) 739-2145

800 Purchase Street, Room 501
New Bedford, MA 02740
(508) 990-2390

Equal Employment Opportunity Commission (within 300 days)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000
(617) 565-3204 (TTY)
(800) 669-6820 (TTY)

3. In Massachusetts a notice to all employees must be posted in a prominent and accessible location in each building.

PREGNANT WORKERS FAIRNESS ACT



Mandated Notice to Employees

April 1, 2018

Town of Mansfield

Overview

Effective April 1, 2018, Massachusetts has amended current state law against discrimination in employment. M.G.L. c. 151B, §4, which forbids discrimination against employees due to pregnancy or conditions related to pregnancy in addition the law requires employers to provide reasonable accommodations to an employee who is pregnant or who has a condition related to pregnancy. This includes but not limited to, lactation or the need to express breast milk for a nursing child.

The Act prohibits an employer from:

- A. Taking an adverse action against an employee requesting or using a reasonable accommodation, including but not limited to failing to reinstate to an equivalent position with equivalent compensation, benefits and seniority when accommodation for pregnancy or a pregnancy-related condition is no longer needed;
- B. Denying an employee an employment opportunity due to the need for reasonable accommodation of pregnancy or a pregnancy-related condition;
- C. Requiring a pregnant employee or an employee with a pregnancy-related condition to accept an accommodation that the employee chooses not to accept, if such accommodation is not necessary for the employee to perform essential job functions;
- D. Requiring a pregnant employee or an employee with a pregnancy-related condition to take a leave if another reasonable accommodation may be provided, without undue hardship on the employer's program, enterprise or business; and
- E. Refusing to hire a candidate for employment because of the candidate's pregnancy or pregnancy-related condition, provided that the candidate is capable of performing essential job functions with or without reasonable accommodation not imposing an undue hardship on the employer's program, enterprise or business.

What is a "reasonable accommodation"?

A reasonable accommodation is a modification or adjustment that allows an employee to perform the "essential functions" of the employee's position. Some examples of reasonable accommodations are:

1. More frequent or longer breaks
2. Time Off
3. Providing equipment or seating
4. A temporary transfer to a less strenuous or hazardous job
5. Job Restructuring
6. Light Duty
7. Private space for expressing breast milk
8. Assistance with manual labor
9. Modified work schedule.

An employee must notify the employer of a need for a reasonable accommodation due to pregnancy or a pregnancy-related condition. The request can be either verbal or in writing. The employer must then engage in a timely, good faith, interactive process to determine what reasonable accommodation may be made for the employee,

absent undue hardship for the employer. This process must include discussion(s) between employer and employee with respect to the requested accommodation and the employer can require documentation from a healthcare professional that explains what accommodation the employee needs. It is up to the employee and employer to discuss how the accommodation relates to essential functions of the job.

Why am I receiving this notice?

Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.

Employers must also provide written notice of employees' rights under the Act: (1) to new employees at or prior to the start of employment; and (2) to an employee who notifies the employer of a pregnancy or a pregnancy-related condition, no more than 10 days after such notification.

Need Help or Have More Questions?:

Kevin J. Dumas, Town Manager: kdumas@mansfieldma.com

MA Commission Against Discrimination: www.mass.gov/mcad (774) 510-5801

Equal Employment Opportunity Commission: www.eeoc.gov (800) 669-4000

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

MCAD Guidance
PREGNANT WORKERS FAIRNESS ACT
Issued 1/23/2018

The Pregnant Workers Fairness Act (“the Act”) amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

Under the Act:

- Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an “interactive process,” and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.
- An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.
- An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.
- An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee’s request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.
- Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.

The foregoing is a synopsis of the requirements under the Act, and both employees and employers are encouraged to read the full text of the law available on the General Court’s website here:

<https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter54>.

If you believe you have been discriminated against on the basis of pregnancy or a pregnancy-related condition, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

www.mass.gov/mcad

Boston Headquarters: One Ashburton Place, Room 601, Boston, MA 02108 | (617) 994-6000

Springfield: 436 Dwight Street, Room 220, Springfield, MA 01103 | (413) 739-2145

Worcester: 484 Main Street, Room 320, Worcester, MA 01608 | (508) 453-9630

New Bedford: 128 Union Street, Suite 206 New Bedford, MA 02740 | (774) 510-5801