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**Sec. 2-31. - Oaths of office.**

Every officer of the city shall, before entering upon the discharge of the duties of his office, be sworn to the faithful performance thereof.

*(Code 1972, § 2-16)*

*Charter reference— Oaths of office of mayor and councilors, § 10; oaths of administrative officers, § 34.*

*State law reference— Oaths of officers, M.G.L.A. c. 41, § 107.*

**Sec. 2-32. - Official bonds—Required.**

Every officer of the city shall, before entering upon the discharge of the duties of his office, give such bonds for the faithful performance of his duties as the city council may require.

*(Code 1972, § 2-17)*

*Charter reference— Authority of city council to require official bonds from city officials, § 16.*

*State law reference— Fidelity bonds of officers and employees, see M.G.L.A. c. 41, § 109A.*

**Sec. 2-33. - Same—Approval of bonds and sureties.**

No bond of a constable or city official shall be approved by the city council until the finance committee of the city council has first approved the surety on such bond.

*(Code 1972, § 2-18)*

**Sec. 2-34. - Hours of municipal offices and employees.**

(a) All municipal offices, except the office of the city engineer, shall be opened to the public for the transaction of business from 8:30 a.m. to 4:30 p.m., each day of the week, except on Saturdays, Sundays and legal holidays.

(b) The hours of employment of all persons employed in municipal offices, except the office of the city engineer, shall be restricted to the hours from 8:30 a.m. to 4:30 p.m. of each day, except on Saturdays, Sundays and legal holidays, and each of the employees shall be entitled to one hour for lunch each day between such hours. The time for such lunch is to be designated by the head of each department in each municipal office, and the total hours of employment for each employee shall be 35 hours each week.

(Code 1972, § 2-19)

**State law reference**— *Half holidays for city employees, see M.G.L.A. c. 41, § 110; authority to provide for closing of offices on Saturday, M.G.L.A. c. 41, § 110A.*

**Sec. 2-35. - Classification and compensation plans.**

(a) **Classification schedule.** All positions in the service of the city, except those filled by popular election, those under the jurisdiction of the school committee, those for which incumbents render contractual services which are not provided during regularly established working hours and those which are essentially seasonal with respect to the duties which the incumbents perform and which do not appear in schedule A, are hereby classified by titles appearing in schedule A, which is made a part hereof. These classes of positions shall constitute the classification plan for paid city services.

(b) **Positions subject to state welfare compensation plan.** The classification of positions which are subject to the welfare compensation plan of the Commonwealth of Massachusetts and the schedule of rates therefor, effective January 1, 1965, with subsequent amendments, if any, and the provisions of M.G.L.A. c. 31, § 47D [repealed], relating to the application of rates set forth in the aforementioned welfare compensation plan, are hereby incorporated by reference.

(c) **Compensation schedules.** The official compensation plan for the city shall consist of schedules B, C, D and E, which provide minimum and maximum salaries or wages for certain of the classes in the classification plan. The salary range of a class shall be the salary range of all positions allocated to the class. If no range is provided, the single rate appearing in schedule E shall be the basis of compensation paid to an employee occupying a position under the appropriate class title.

(d) **Conformance with plan.** No person shall be appointed or paid as an employee in any position subject to the provisions in the classification plan under any title other than those appearing in schedule A.

(e) **Conformance with compensation plan.** No administrative authority shall fix the salary of any employee in a position in the classification plan except in accordance with the compensation plan.

(f) **Longevity compensation.**

(1) In addition to the salary or wages of a full-time employee as determined by schedules DH, PR, SA or Miscellaneous Salary, each such employee shall receive additional annual compensation as follows:

a. Length of Employment on Employment Anniversary	Longevity Pay effective		
	7/1/00	7/1/01	7/1/02
Ten (10) years but less than fifteen (15) years.	\$500.00	\$550.00	\$600.00
Fifteen (15) years but less than twenty (20) years.	\$575.00	\$625.00	\$675.00
Twenty (20) years but less than twenty-five (25) years.	\$750.00	\$800.00	\$850.00
Twenty-five (25) years or more.	\$900.00	\$950.00	\$1,000.00

b. The longevity pay in each calendar year as provided in this article shall be paid to each eligible employee within 30 days following their employment anniversary.

The annual longevity payments provided above shall be payable within 30 days following the anniversary date of the employee.

(2) Employees whose salaries are determined by the welfare compensation plan of the commonwealth are excepted from the provisions of this section.

(3) Interruption of continuous employment for the purpose of performing military service shall not be deemed to break the continuity of service with the city in calculating benefits payable under this section, provided that no employment other than military service is entered into by the employee during the period of such interruption.

(4) Subject to the approval of the city council, a full-time employee whose employment has been interrupted through no fault of his own and who has been subsequently reinstated to full-time employment may be given credit for longevity purposes for such prior service, but the time lost because of this interruption shall be deducted from the total time employed.

(g) *Conformance with state law.* Nothing in this section shall be construed to conflict with M.G.L.A. c. 31.

(h) *Personal days.* In addition to the salary or wage of a permanent employee, each such employee shall be allowed three paid personal days per calendar year. For a part-time employee, the number of hours that constitute a "day" shall be calculated by dividing the employee's weekly hours by five. Said amount shall then be multiplied by three to determine the total number of personal hours that the part-time employee is entitled to per year. An employee must request a personal day at least five working days prior to the day to be taken, from the department head. The department head shall have discretion concerning whether to grant or deny an employee's request to utilize a personal day. Earned but unused personal days shall expire at the end of the calendar year and shall not be carried over or accumulated from year to year.

(i) *President of city council.* The president of the city council shall be paid an additional \$1,000.00 per year.

*(Code 1972, § 2-20; Ord. of 12-21-93 [301st amd.], § 1; Ord. of 5-21-96 [331st amd.], § 1; Ord. of 6-16-98 [18th amd.], § 1; Ord. of 10-1-02 [52nd amd.], § 1; Ord. of 4-3-12 [98th amd.], § 1)*

*Editor's note—*

Schedules A, B, C, D and E have not been included in this volume, in view of the fact that they are subject to frequent changes. These schedules and amendments thereto are on file in the city clerk's office.

An ordinance of Dec. 7, 1982 [182nd amd.], § 1, amended this section to provide that "the salary for the position of Mayor of the City of Holyoke shall be equal to the salary of the highest paid regular city employee, except for those employees of the Gas and Electric Department of the City of Holyoke and the Holyoke Water Works."

Further, an ordinance of May 3, 1983 [184th amd.], § 1, amended this section to provide that "members of the Holyoke School Committee shall receive a salary equal to fifty percent (50%) of the salary of the city council."

Also it should be noted that § 2 of Ord. of 12-16-86 [242nd amd.] provided that the compensation set out in [§ 2-35\(f\)\(1\)a, b](#) by § 1 of the same ordinance "shall be effective for all employees attaining the required number of years of employment in the calendar year 1986."

*Charter reference—* Salaries of city officers to be established by ordinance of city council, § 54.

*State law reference—* Fixing compensation of officers and employees, M.G.L.A. c. 41, § 108, M.G.L.A. c. 44, § 33A.

## **Sec. 2-36. - Work week.**

(a)

The work week for full-time employment in each occupational group of the classification plan shall be as follows:

Group	Work Week
Administrative and clerical group	35 hours
Custodian and institution group	40 hours
Inspection group	As required
Professional group	As required
Labor group	40 hours*
Library-museum-recreation center group:	
Library classes	37 hours
Museum classes	37.5 hours
Recreation center classes	37.5 hours
Public safety group:	
Police classes	40 hours**
Fire classes	48 hours**
Supervisory group	As required

\*Which may be increased to 44 hours by the parks and recreation commission for designated positions.

\*\*Subject to such adjustments as may be determined essential by the appropriate administrative authority for the proper functioning of the police or fire department.

(b) "As required" shall mean such hours as are necessary to perform all duties and responsibilities of the office, including attendance at all meetings before any board of the city at which the official is requested or required to appear. Employees obligated to work "as required" shall not be deemed to have set or established regular hours of duty, notwithstanding the requirement that such officials comply with the hours of municipal offices as provided in [section 2-34\(a\)](#).

(Code 1972, § 2-21)

**Cross reference**— Days off for members of police department in classified civil service, § 50-48; work week for members of police department, § 50-51.

### **Sec. 2-37. - Overtime compensation.**

- (a) *Administrative and clerical group; library-museum-recreation center group.* An employee occupying a position in one of these groups shall not be entitled to overtime compensation. He may be granted compensatory time off at the discretion of his departmental head for hours worked in excess of those constituting his established work week as set forth in [section 2-36](#)
- (b) *Custodian and institution group.* An employee occupying a position in this group shall receive compensation for hours worked in excess of those constituting his established work week at straight time determined by dividing his weekly rate by [40](#).
- (c) *Inspection and professional groups.* An employee occupying a position classified in one of these two groups is not entitled to overtime compensation except an employee of the city clerk's office only on election days.
- (d) *Labor group.* An employee occupying a position in this group shall be compensated at 1½ times his regular hourly rate for hours worked in excess of eight hours during a regularly assigned work day and for all hours worked on other than a regularly assigned work day, provided that he has been credited with 40 hours' pay at his regular rate for five consecutively assigned work days prior to performing work on the nonassigned work day. However, if an employee works a scheduled 44-hour week the premium rate shall apply only to hours in excess thereof.

(e) *Fire department.* All employees of the fire department other than the chief of the department, personnel assigned to the fire alarm department, personnel assigned to the repair division and the clerk of the department, hereinafter referred to as "A Unit," and all members of the fire alarm division, all members of the repair division and the clerk of the department, hereinafter referred to as "B Unit," shall be paid for all overtime duty in the following manner:

(1) For all employees in A Unit, all hours worked in excess of ten on any day tour and all hours worked in excess of 14 on any night tour shall be considered overtime. For all employees in the B Unit, all hours worked in excess of eight on any regular tour shall be considered overtime. All employees so working shall be paid at the overtime rate set forth in paragraph (4) of this subsection.

(2) All employees required to work overtime within the meaning of paragraph (1) of this subsection shall receive a minimum of two hours' pay at the overtime rate set forth in paragraph (4) of this subsection and for all overtime hours worked in excess of two. Employees shall be compensated at overtime rates to the next full hour.

(3) All employees recalled to duty shall receive a minimum of four hours of pay. For all hours worked in excess of four, recalled employees shall be compensated to the next full hour.

(4) The hourly rate of overtime pay shall be determined by dividing the then effective annual rate of pay of the employee so working by the number 2,184 in the case of A Unit employees, and by the number 2,080 in the case of B Unit employees.

(5) As used herein, the term "recalled" shall have the following meaning: An employee shall be recalled if, at any time subsequent to being relieved from duty by another employee and at any time before such employee is next scheduled to go on duty, he shall be called to return to duty by the chief of the department, or by someone acting as chief of the department or acting in behalf of the chief of the department, and does so return to duty and is relieved or dismissed from duty prior to the time when such employee shall next be scheduled for duty.

(f) *Police department.*

(1) Policemen, excepting the chief, deputy chief and captains, and members of the detective bureau, as hereinafter provided, shall be paid for all overtime duty as the hourly rate of their regular compensation for their average weekly hours of regular duty. Such payment for overtime duty shall include, with the exception of the chief and deputy chief, court appearances outside of regular duty hours.

(2) Overtime compensation shall not be paid to members of the police department for additional hours of duty which may be required when assigned to the detective bureau.

(3) Captains and members assigned to the detective bureau shall be paid additional compensation, as aforesaid, for overtime duty only when such overtime duty consists of court appearances outside of regular duty hours.

(g) *Supervisory group.* An employee occupying a position classified in this group is not entitled to overtime compensation, except as voted by the board of public works during emergency conditions as determined by such board.

*(Code 1972, § 2-22; Ord. of 10-19-04 [66th amd.], § 1)*

## **Sec. 2-38. - Paid holidays generally.**

(a)

The following days shall be recognized as legal holidays within the meaning of this article:

New Year's Day  
Martin Luther King, Jr. Day  
Presidents' Day  
Patriot's Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans Day  
Thanksgiving Day  
Christmas Day

on which days employees shall be excused from all duty not required to maintain essential municipal services.

(b) Every employee in permanent employment shall be entitled to these designated holidays on the following terms:

(1) If paid on an hourly basis, he shall receive one day's pay at his regular rate based on the number of hours regularly worked on the day on which the designated holiday occurs.

(2) If paid on a weekly, monthly or similar basis, he shall be granted each designated holiday without loss of pay.

(c) Payment under the provisions of this section shall be made provided the eligible employee shall have worked on his last regularly scheduled working day prior to and his next regularly scheduled working day following such holiday, or was in full pay status on such preceding and following days in accordance with other provisions of this article.

(d) An employee, except a member of the police or fire department, who performs work on one of the days designated in subsection (a) shall be paid at the rate of time and one-half his regular rate for such day or part thereof in addition to the amount to which he is entitled under subsection (b).

(e) Any employee who works five or more days a week and whose regular day off falls on any of the aforementioned holidays shall be paid for the holiday.

(f) When a holiday occurs during an employee's regular scheduled vacation, he shall be granted an additional day's vacation, as determined by the employee's department head.

(g) Holidays occurring on Sunday will be celebrated on Monday; holidays occurring on Saturday will be celebrated on Friday. For the purpose of this section, the "celebrated" day (i.e., Friday or Monday) becomes the holiday rather than the actual holiday.

(h) Eligible members of the police department shall be entitled to compensation in addition to that provided under subsection (b) in accordance with the provisions of chapter 268 of the Acts of 1952, accepted by the city on June 5, 1956.

*(Code 1972, § 2-23; Ord. of 4-3-12 [99th amd.], § 1; Ord. of 4-3-12 [100th amd.], § 1)*  
**State law reference**— *Legal holidays designated, M.G.L.A. c. 4, § 7.*

**Sec. 2-39. - Paid holidays for fire department employees; uniform allowance.**

(a) The following paid holidays are hereby established for the compensation grades F-1, F-1a, F-2, F-2a, F-3, F-3a, F-4, F-4a, F-5 and F-6:

New Year's Day  
Washington's Birthday  
Patriot's Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans Day  
Thanksgiving Day  
Christmas Day

(b) For all of the days listed in subsection (a), every employee shall be entitled to additional compensation, determined in accordance with subsection (c), regardless of whether such employee was required to be on duty for any or all such days; provided, however, that any employee may request permission from the chief of the department or his designated representative to take an additional duty day off in lieu of additional compensation and, upon approval, may take such day or days off. No employee may take more than five duty days off under the provisions of this section. An employee desiring to take an additional duty day off without loss of compensation shall submit such a request at least 48 hours in advance of the duty day so requested. No request for duty days off shall be submitted subsequent to December 1.

(c) The rate of holiday compensation shall be computed by dividing the employee's then effective annual rate of compensation by 260. The rate so determined shall be multiplied by the difference between ten and the number of duty days taken off in accordance with the provisions of subsection (b).

(d) Holiday compensation due employees shall be paid to them on the second Tuesday of December of each year.

(e) The uniform allowance for all compensation grades as set forth in subsection (a) shall be \$75.00.

*(Code 1972, § 2-24)*

*Cross reference— Fire department, § 42-71 et seq.*

#### **Sec. 2-40. - Vacation leave—Generally.**

(a) Each department head shall annually, after January 1 in each year, develop a vacation schedule for all employees of his department who are or who may become eligible to receive vacation leave during such year; and he shall submit the same, in such form as the personnel board may require, to the city auditor not later than May 1 of such year. Such department head shall schedule vacations over as wide a period as possible in order to obviate the need for temporary increases in the personnel of his department. If in the course of the year it shall become necessary to amend such schedule, the department head shall notify the city auditor of such amendment not later than the Wednesday of the week immediately preceding the week in which such amendment shall take effect.

(b) If any employee eligible to receive vacation leave shall absent himself from duty without leave, the amount of such absence may be deducted proportionally from the amount of vacation leave due to such employee during the year in which such absence from duty without leave shall have occurred. If the employee shall already have taken the vacation leave due to him in that year, such absence may be chargeable against his next succeeding vacation leave allowance.

(c) Vacation leave with pay shall not be granted to temporary employees.

- (d) Vacation leave shall not be cumulative from one year to another; provided, however, that, if the vacation leave of an employee, scheduled to take his or her vacation in the month immediately preceding the date on which such employee's earned vacation credits are due to expire, is cancelled by the department to meet an emergency or to offset a critical shortage of personnel in the department during such month, the amount of such vacation leave may, with the approval of the personnel board, be added to the amount of vacation leave which such employee shall be eligible to receive in the year immediately following.
- (e) Additional vacation leave of one day at prorated vacation pay shall be allowed for each holiday occurring within a vacation period except on Saturday.
- (f) The vacation for a given calendar year may be taken at any time during that calendar year, subject to the approval of the department head or other authority concerned, and further subject to giving at least one week's advance notice in writing to the city auditor.  
*(Code 1972, § 2-25)*  
**Cross reference**— *Vacations and time off for members of fire department, § 42-73.*

**Sec. 2-41. - Same—Full-time permanent employees.**

- (a) An employee in continuous employment who has been employed for less than 30 weeks as of June 1 in the current year shall be granted vacation leave of one day with full pay for each month of employment, provided that:
  - (1) Such vacation leave shall not exceed ten days.
  - (2) Such vacation leave credit shall be calculated from the first day of employment.
- (b) Vacation leave of two weeks with full pay shall be granted to any such employee who, as of June 1, has been employed by the city for at least 30 weeks.
- (c) Vacation leave of three weeks with full pay shall be granted to any such employee who, as of June 1, has been employed by the city for at least five years.
- (d) Vacation leave of four weeks with full pay shall be granted to any such employee who, as of June 1, been employed by the city for at least ten years.
- (e) Vacation leave of five weeks with full pay shall be granted to any such employee who, as of June 1, has been employed by the city for at least 20 years.
- (f) Under the death of an employee who is eligible for vacation under these rules, payment shall be made to the estate of the deceased in an amount equal to the vacation allowance as accrued in the vacation year prior to the employee's death, but which had not been granted. In addition, payment shall be made for that portion of the vacation allowance earned in the vacation year during which the employee died up to the time of his separation from the payroll.
- (g) Employees who are eligible for vacation under these rules and whose services are terminated by dismissal through no fault or delinquency of their own, or by retirement, or by entrance into the armed forces, shall be paid an amount equal to the vacation allowance earned in the vacation year during which such dismissal, retirement or entrance into the armed forces occurred up to the time of the employee's separation from the payroll; excepting, however, any elected official, first elected or re-elected to his or her position after January 1, 1989, who shall not be entitled to payment of any unused vacation time.



(h) Absences on account of sickness in excess of that authorized under the rules therefor or for personal reasons as provided for under other leave may, at the discretion of the department head, be charged to vacation leave.

(i) Nothing in this section shall be construed to conflict with M.G.L.A. c. 41, §§ 111D and 111G, accepted by the city on September 3 and August 20, 1957.

*(Code 1972, § 2-26)*

*Cross reference— Vacations and time off for members of fire department, § 42-73.*

### **Sec. 2-42. - Same—Part-time permanent employees.**

Part-time permanent employees, including employees provisionally appointed to part-time permanent positions subject to the civil service law, shall be entitled to the same number of vacation days as full-time permanent employees. The number of hours that constitute a "day" for such part-time employees shall be calculated by dividing the employee's weekly hours by five. Said amount shall then be multiplied by the number of vacation days that the employee is entitled to in order to determine the total number of vacation hours that the part-time employee is entitled to per year.

*(Code 1972, § 2-27; Ord. of 4-3-12 [101st amd.], § 1)*

### **Sec. 2-43. - Sick leave.**

(a) Upon completion of a month's employment, a new permanent employee shall be credited with 1¼ days' sick leave with pay for each month worked until the end of the calendar year. On the following January 1 all employees will be credited with 15 days' sick leave with pay, provided such leave is caused by sickness or injury or by exposure to contagious disease. For a part-time employee, the number of hours that constitute a "day" shall be calculated by dividing the employee's weekly hours by five. Said amount shall then be multiplied by 15 to determine the total number of sick leave hours that the part-time employee is entitled to per year.

(b) The employee occupying a position in the classification plan, except as otherwise provided in this section, shall be credited with the unused portion of leave granted pursuant to subsection (a) as provided in an order of the city which was adopted February 24, 1947.

(c) Nothing in this section shall be construed to conflict with M.G.L.A. c. 41, § 111B, accepted by the city on November 20, 1945.

(d) Any regular member of the police or fire department who is temporarily unable to perform his regular duties by reason of injury or illness suffered, through no fault of his own, shall receive 15 days' sick leave, without loss of pay, during any calendar year, accumulative to a maximum of 180 days, providing that notice of injury or illness shall be given forthwith to the chief of police or fire chief. In the event the injury or illness extends beyond 72 hours, certificates from the attending physician shall be filed with the chief of police or fire chief forthwith stating the diagnosis of the injury or illness, its cause and its possible duration.

(e) Sick leave must be authorized by the department head and must be reported, on blanks provided for the same, to the personnel board.

(f) Except as otherwise provided in this section, a physician's certificate of illness, if deemed necessary by the department head, may be requested for verification before leave is granted under the provisions of this section.

- (g) Injury, illness or disability self-imposed, or resulting from the use of alcohol or drugs, shall not be considered a proper claim for leave under this section.
- (h) In the event an employee who is eligible to receive compensation under the provisions of this section is eligible to receive workers' compensation payments, compensation granted under the provisions of this section shall be limited to the difference between the amount paid in workers' compensation and the employee's regular rate.
- (i) Nothing in this section shall be construed to conflict with M.G.L.A. c. 41, § 100.
- (j) An employee who has been granted sick leave for the first time under the provisions of this section shall be credited with five days of sick leave for the year 1965. Such an employee shall also be credited with five days of sick leave for each year of service in the 11-year period immediately prior to 1965.
- (k) Sick leave records shall be maintained in all departments and all sick leave shall be denoted on department payrolls. Sick leave shall not be granted for any reason without a sick leave slip being forwarded to the personnel board, such slip to accompany the appropriate payroll.
- (l) Upon the resignation, retirement, death or layoff due to lack of work and/or lack of funds of any employee not covered by a collective bargaining agreement, the employer shall pay to such employee, or, if he is deceased, to his spouse, beneficiary or personal representative, in payment for accumulated but unused sick leave then standing to the credit of the employee, an amount which shall be determined by multiplying a fraction, the numerator of which is the number of unused sick days to the member's credit, as provided in this section, on the date of death or retirement of such employee, and the denominator of which will be three for members with five or more years of continuous service and four for members with less than five years but more than one year of continuous service, at the rate in effect at the time of resignation, retirement, death, or layoff due to lack of work, and/or lack of funds, subject to a maximum of \$5,000.00, excepting, however, any elected official, first elected to his or her position after January 1, 1989, who shall not be entitled to any payment of any unused sick leave at any time, nor any elected official re-elected after January 1, 1989, who shall not be entitled to any payment of unused sick leave accumulated after said January 1, 1989. The provisions of this paragraph shall not be afforded to any employee who is discharged for just cause.

*(Code 1972, § 2-28; Ord. of 6-16-98 [17th amd.], § 1; Ord. of 11-21-06 [79th amd.], § 1; Ord. of 4-3-12 [102nd amd.], § 1; Ord. of 4-3-12 [103rd amd.], § 1)*

*Cross reference— Sick leave for members of police department, § 50-53.*

**Sec. 2-44. - Bereavement leave.**

In the event of the death of a spouse, parent, grandparent, child, grandchild, sister, brother, mother-in-law, or father-in-law of a permanent employee, the employee shall receive a leave of absence for a period not to exceed four working days. In the event of the death of a brother-in-law, sister-in-law, aunt, uncle, first cousin, niece or nephew of an otherwise eligible employee, the employee shall receive a leave of absence of two working days.

*(Code 1972, § 2-29; Ord. of 11-21-06 [78th amd.], § 1)*

**Sec. 2-45. - Court leave.**

An employee in full-time employment required to serve on the jury may be paid the difference between compensation received for jury duty and regular compensation rates paid the employee by the city.

*(Code 1972, § 2-30)*

**Sec. 2-46. - Pay for municipal employees while performing jury service.**

All regular employees of the city whose compensation is payable on an hourly basis, and who do not receive fixed salaries, shall, during the time in which they are engaged actively in jury service, receive from the city the difference between their per diem rate of pay as such city employees and the amount paid per diem by the county in compensation for such jury service.

(Code 1972, § 2-31)

### **Sec. 2-47. - Military leave.**

An employee in full-time employment in the military reserve shall be paid while on reserve duty according to the provisions of M.G.L.A. c. 33, § 59, accepted by the city July 1, 1930. The eligible employees shall be entitled to the same leaves of absence or vacation with pay as other employees.

(Code 1972, § 2-32)

### **Sec. 2-48. - Travel policy.**

This section is formulated with the clear understanding that the use of the city's resources for travel purposes is an important investment in delivering essential services to the general public and developing a well-trained workforce. The procedures established herein ensure fairness and accountability and may not be waived without the express written consent of the mayor and the approval of the city council.

The authorization to travel will be contingent upon the availability of funds and in accordance with the importance of the proposed travel to the department's mission and the individual's professional development. A written request to travel in-state must be approved by the department head, commission, or board charged with oversight of the department. In the absence of such department head, commission, or board, approval shall be vested solely in the mayor. A written request to travel out-of-state must be approved by the department head, commission, or board charged with oversight of the department, and the mayor prior to such travel. The authority to approve travel requests may not be delegated. Failure to secure prior approval for travel shall absolve the city from any liability or reimbursement for incurred costs.

(1) *Budgets.* Each department shall maintain a budget line item for in-state travel related to that respective department's in-state travel needs. The mayor shall maintain a budget line item for all out-of-state travel for all departments. Any increases or decreases to the in-state or out-of-state budgets subsequent to the original annual budget voted by the city council shall occur only upon approval of the mayor and two-thirds of the city council.

(2) *Applicability.* This section shall apply to all departments of the city government, unless provided otherwise by this section, by collective bargaining agreements, Massachusetts General Laws, Special Acts of the Legislature, or other special funding agreements, e.g. grants. All agreements otherwise in force at the time of enactment of this section are hereby declared null and void and may not be reinstated. Direct or reimbursable costs may be incurred by a city employee only for that employee or other city employees in accompaniment. No such costs shall be incurred or paid by a city employee on behalf of noncity employees, including, but not limited to, contractors, vendors, professional associates, etc.

(3) *Means of travel.*

a. In every case the means of transportation which is least costly to the city, with proper and reasonable consideration to the circumstances, shall be used.

b. Transportation costs of any kind and at any time between the home and any office or meeting location furnished within and by the city are not reimbursable.

- c. Reasonable charges, as determined by the city, for hotel rooms shall be reimbursable. Original receipted bills shall be submitted for hotel charges.
- d. Telephone charges while in travel status shall be itemized, listing the location called and the purpose of the call. Charges which do not relate directly to work shall not be reimbursed.
- e. Reimbursement shall not be allowed for expenses incurred for the sole benefit of the traveler, such as valet service, entertainment, laundry service, etc.

(4) *City-owned vehicles.*

a. City-owned vehicles shall be used during business hours only, unless the operator is authorized to take home such vehicle. The following are authorized for vehicle take-home:

1. Police chief.
2. Fire chief.
3. Mayor.
4. Police officers authorized under a cruiser take-home program.
5. Superintendent of the department of public works.
6. Director of the parks, recreation and forestry department.
7. Engineering department.
8. Board of assessors.
9. School department.
10. Building commissioner.

b. Reimbursement shall be allowed for expenses incurred in the operation of city-owned vehicles, including charges for gas and oil and reasonable charges for minor repairs and maintenance as determined by the city, parking fees and tolls. No payment shall be made or obligation incurred for the private garaging of any passenger vehicle owned by the city and operated by a person as transportation from his place of employment to the vicinity of his residence, and no payment shall be made or obligation incurred for the garaging of any motor vehicle in private garages under any circumstances.

(5) *Privately owned vehicles.*

a. When use of a person's private vehicle is necessary, the approved mileage rate will be allowed as the basis for cost reimbursement. This approved mileage rate covers all costs of using the vehicle, exclusive of parking and toll charges. For each trip taken, the driver must certify the places traveled to, the purpose of such travel, and mileage covered for each leg of the trip in accordance with the procedure set forth in subsection (7) herein. Valid original receipts for parking and tolls, when applicable, must be presented when seeking reimbursement.

b. Private vehicle mileage reimbursement shall be payable only to one of two or more occupants traveling together in the same vehicle.

c. The mileage rate for reimbursement shall be the internal revenue service code mileage allowance in effect on the dates the travel occurred.

d. In lieu of mileage reimbursement, the following positions shall receive a travel stipend in the amount specified:

Director of health, per month .....\$235.00

Senior code inspector, code inspector, assistant health director, chief sanitarian, conservation officer per month .....235.00

Animal control inspector, per month .....235.00

This travel stipend shall be payment for all expenses associated with the use of one's personal vehicle, including mileage, and anyone receiving a travel stipend shall not receive mileage reimbursement for their ordinary work day travel. An employee receiving a travel stipend may receive mileage

reimbursement for extraordinary travel outside of the city with the approval of the department head and mayor.

(6) *Meals.* An employee shall be reimbursed for meals when on full travel status, which is defined as being temporarily absent from their [his] assigned work station on approved assignment to duty for more than eight consecutive hours, or, if less than eight consecutive hours, to a location more than 20 miles from the employee's respective designated Holyoke work station. Qualifying reimbursement shall be allowed for actual reasonable meal expenses incurred, including tips. Valid original receipts must be presented when seeking reimbursement and shall be limited to \$50.00 per day.

(7) *Travel procedure.*

a. A city employee needing to travel for purposes other than regular city business called for as an integral part of the employee's normal job duties must file a request to travel form with the department head, or the mayor in the absence of a department head, for in-state travel, or the mayor for out-of-state travel, well in advance of the anticipated trip. Immediately upon returning from authorized travel, the employee must file a travel expense voucher with the department head or mayor, whichever is applicable in the circumstances.

b. Employees who regularly use privately owned vehicles to conduct business as an integral part of their normal job duties must, on a monthly basis or more often if necessary, submit to the department head a certified travel expense voucher which states actual mileage traveled, destinations, and related allowable expenses. Department heads shall be held fully accountable for the accuracy of the travel expense voucher. The knowing falsification of information on a travel expense voucher shall be reported to the mayor by the department head and shall be deemed gross misconduct.

(8) *Travel advances.*

a. Travel advance payments may be made for the following expenses:

1. *Conference registration.* The traveling employee must provide to the authorizing person, in accordance with this section, a completed registration form and instructions for mailing.

Course/conference/seminar registration and attendance fees are charged to an education and training budget line item, not in-state or out-of-state travel.

2. *Hotel.* The employee must provide to the authorizing person, in accordance with this section, a registration form and instructions for mailing if a reservation deposit is required.

3. *Other reimbursable costs.* Up to 50 percent of projected other reimbursable costs may be advanced to the traveling employee.

Requests must be made well in advance (at least two weeks) to allow for proper accounting procedures. No advances under \$50.00 will be allowed.

b. Department heads and the mayor are responsible, in their respective areas of travel activity, for maintaining an accurate accounting and status of any advance. Anyone receiving a travel advance must complete and submit a travel expense voucher to the department head or mayor, whichever is applicable in [under] the circumstances, within ten days after returning from the trip. Except in unusual circumstances, only one travel advance may be outstanding at any given time.

(9)*Implementation.* The mayor or his designee shall oversee the implementation of this section, including development of required forms and explanatory regulations and guidelines as needed.

(Code 1972, § 2-33.1; Ord. of 3-18-97 [341st amd.], § 1; Ord. of 9-30-97 [9th amd.], § 1; Ord. of 4-2-02 [50th amd.], § 1; Ord. of 10-5-10 [87th amd.], § 1; Ord. of 4-17-12 [104th amd.], § 1; Ord. of 4-17-12 [105th amd.], § 1)

*Cross reference— Finance, § 2-501 et seq.*

### **Secs. 2-49—2-58. - Reserved.**

*Editor's note—*

Sections 2-49—2-58, which pertained to the travel policy for city employees and derived from §§ 2-33.2—2-33.11, were deleted as being superseded by the provisions of [§ 2-48](#)

### **Sec. 2-59. - Notice to councilmembers of meetings of municipal boards; filing of agenda.**

All municipal boards whose members are appointed by the mayor or the city council shall send written notices of their meetings to the individual members of the city council three days prior to any such meeting. An agenda of every such meeting shall also be filed in the office of the city clerk.

(Code 1972, § 2-35)

*Cross reference— Boards, commissions and councils, § 2-421 et seq.*

### **Sec. 2-60. - Article not to conflict with chapter 31 of General Laws.**

Nothing in this article shall be construed to conflict with M.G.L.A. c. 31.

(Code 1972, § 2-36)

### **Sec. 2-61. - Filing of collective bargaining agreements.**

(a) A copy of the collective bargaining agreement in force between the city and each collective bargaining unit shall be filed in the office of the city clerk as soon as practicable, but not later than 60 days after the date such agreement is executed by the city and said collective bargaining unit.

(b) Each member of the city council shall be furnished, by the city solicitor's office, a copy of every collective bargaining agreement, a minimum of ten days prior to the cost items of said agreement being submitted to the city council for approval.

(Code 1972, § 2-37)

### **Sec. 2-62. - Chief of police.**

The mayor shall negotiate and award a contract to the chief of police for a period of three years. Notwithstanding the provision of any ordinance to the contrary, such contract shall specify the chief of police's term of employment, including but not limited to hours, salary, wages and benefits.

(Ord. of 12-5-94 [310th amd.], § 1)

*Cross reference— Police department, § 50-31 et seq.; chief of police, § 50-34 et seq.*

### **Sec. 2-63. - Reserved.**

*Editor's note—*

Ord. of 1-18-11 [90th amd.], § 1, deleted [§ 2-63](#), which pertained to notice of vacancies for certain offices and derived from Ord. of 2-1-94 [303rd amd.], § 1; Ord. of 1-21-97 [336th amd.], § 1.

### **Sec. 2-64. - Identification cards.**

All non-police and fire employees of the city shall have issued to them an identification card with their photograph. This card shall state their name, title, and the department of the city to which they report. Any employee required to enter any

nonmunicipal premises on official city business in the city shall wear his identification card in a visible manner. Further regulations regarding this section shall be defined and implemented by the city personnel department.

(Ord. of 6-17-97 [6th amd.], § 1; Ord. of 9-2-97 [7th amd.], § 1)

### **Sec. 2-65. - Firearms.**

No employee, with the exception of members of the police department and those employees specifically authorized by state and federal law to bear firearms to carry out the duties and responsibilities of their employment, shall be authorized to carry firearms within the scope of their employment within the city.

(Ord. of 8-4-98 [19th amd.], § 1)

### **Sec. 2-66. - Supervision and management of city council appointments.**

(a) *Applicability.* This section shall apply to full-time employees appointed exclusively by the city council; assessor of taxes, auditor, and tax collector, excluding the city council's administrative assistant.

(b) *Supervision and management by the mayor.* The mayor shall be responsible for the supervision and day to day management of employees governed by the section. This responsibility shall include:

(1) General supervision of employees on a daily basis to ensure that job duties, as defined in the city Charter, city ordinances, and/or Massachusetts General Laws, are being performed in a competent and timely manner.

(2) General supervision of employees on a daily basis to ensure compliance with any applicable city policies, rules or regulations.

(3) Approval of requests for vacation leave and other time off consistent with any personnel ordinance, policy or rule or regulation governing the same. A copy of the approval shall be forwarded to the city council president.

(c) *Attendance at meetings.* Employees shall attend any meetings requested by the mayor and/or the city council.

(d) *Authority to discipline and report to the city council.*

(1) In the event that any employee is not performing their job responsibilities in accordance with the city Charter, city ordinances, Massachusetts General Laws, or any city policies, rules or regulations, including unauthorized use of time off, the mayor shall issue a written warning to said employee. A copy of the warning shall be provided to each member of the city council public service committee via email and first class mail. The committee may order that the employee appear before them at their next meeting to address the issues raised in the warning.

(2) In the event of any employee misconduct, other than failure to perform job responsibilities, the mayor shall have the authority to discipline the employee. The mayor shall institute progressive discipline, up to and including suspension, unless there is an immediate safety concern. Any such disciplinary measures shall immediately be reported, in writing, by the mayor to the city council. Any employee so disciplined may request in writing, to appear before the public service committee to dispute the discipline imposed by the mayor. The public service committee may then make a recommendation to the full council as to whether the discipline shall be upheld, reduced or otherwise modified or overturned.

(e) *Removal.* Nothing in this section shall in any way limit the power of the city council to remove any of their appointments as allowed by [section 15](#) of the city Charter.

(Ord. of 8-2-11 [92nd amd.], § 1)

### **Secs. 2-67—2-80. - Reserved.**