

CHAPTER H TOWN PERSONNEL

ARTICLE I - PERSONNEL BY-LAW

Section 1. Purpose and Authorization

The purpose of the personnel by-law is to establish a system of personnel administration based on the following principles:

- (a) Recruitment, selection and advancement of personnel shall be based on ability, knowledge, education, and skill under fair and open competition.
- (b) Employment shall be open to all segments of society.
- (c) Fair treatment of all applicants and employees shall be guaranteed in all aspects of the personnel system which shall be administered without regard to race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors and with proper regard for privacy and constitutional rights.
- (d) Training and development opportunities shall be provided as needed to assure high quality performance by all employees.
- (e) Retention of employees shall be on the basis of their performance. A reasonable effort shall be made to assist employees with inadequate performance, and if, following such effort, inadequate performance cannot be corrected, separation shall occur.

This by-law is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Laws, chapter 41, sections 108A and 108C.

Section 2. Application

All town departments and positions shall be subject to the provisions of this by-law except elected officers, employees with personal contracts, and employees of the school department. Employees subject to a collective bargaining agreement are subject only to those provisions, which are not specifically regulated by collective bargaining agreements. Nothing in this by-law shall be construed to limit any right of employees pursuant to Chapter 150E of the Massachusetts General Laws.

Section 3. Delegation of Responsibilities

The Personnel Board shall be responsible for the overall administration of the by-law and the personnel system.

(a) Personnel Board

There shall be a Personnel Board consisting of five members, none of whom shall be employees of the Town, appointed by the Board of Selectmen. The term of office of each member shall be three years, with the exception of the first appointment, when two members shall be appointed for a three year term, two members shall be appointed for a two year term and one member shall be appointed for a one year term. (Amended/Effective 05/08/2003.)

1. Powers and Duties. The Personnel Board shall have the following duties:

- a. Administer all functions specified in this by-law and personnel policies promulgated pursuant to Section 5.

- b. Provide advice and assistance to the Board of Selectmen, supervisory personnel, and employees in all aspects of personnel management specified in this by-law.
- c. Recommend to Town Meeting such changes in this by-law and the town's personnel policies as may be considered necessary as conditions change.
- d. Evaluate periodically the effectiveness of the town's personnel system and recommend any by-law changes to Town Meeting.
- e. Ensure that the town acts affirmatively in providing maximum opportunities to all persons regardless of sex, color, creed, race or national origin for entry level positions and promotional positions and provides equal treatment in all aspects of personnel management.
- f. Ensure that the recruitment, selection, appointment and removal of employees is consistent with the personnel by-law and the policies adopted pursuant to the personnel by-law.
- g. Ensure that a performance evaluation system for employees is developed and administered in accordance with the rules established herein.
- h. Ensure that a comprehensive pay and classification plan including pay schedule, classification plan and job descriptions is prepared and maintained.

2. Support

The town shall furnish, through the Selectmen's office, such support as may be necessary for the proper functioning of the Personnel Board.

3. Centralized Record Keeping (Amended/Effective 2/23/2012)

The Town Administrator or the Administrator's designee shall be responsible for maintaining a centralized system of personnel records.

Section 4. Personnel System

A personnel system shall be established by promulgation of policies pursuant to section 5. The personnel system shall make use of current concepts of personnel management and shall include a performance evaluation system to ensure that pay increases are granted based on merit. The personnel system shall so include but not be limited to any of the following elements:

(a) Method of Administration. A system of administration which assigns specific responsibility for all elements of the personnel system, including: Maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, and evaluating the personnel system.

(b) Classification Plan. A position classification plan for all employees subject to this by-law shall be established, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class. Following adoption of a classification plan, no employee may be appointed to a position not included in the classification plan.

(c) A Compensation Plan. A compensation plan for all positions subject to this by-law shall consist of:

- (1) a schedule of pay ranges including minimum, maximum and intermediate rates for each range; and
- (2) an official list indicating the assignment of each position to specific pay ranges.

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(d) A Recruitment and Selection Policy. A recruitment, employment, promotion and transfer policy which ensures that a reasonable effort is made to attract qualified persons and that selection criteria are job related.

(e) Personnel Records. A centralized record keeping system which maintains essential personnel records.

(f) Other Elements. Other elements of a personnel system as deemed appropriate or required by law.

Section 5. Adoption and Amendment of Personnel Policies

The Personnel Board shall promulgate personnel policies defining the rights, benefits and obligations of employees subject to this by-law. Policies shall be adopted or amended as follows:

(a) Preparation of Policies. The Personnel Board shall prepare policies or amendments to policies. Any member of the Board of Selectmen, any department head, or any three employees may suggest policies for consideration by the Personnel Board. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy to the Personnel Board in writing. The Personnel Board shall hold a public hearing on any proposed policies or amendments. Any proposed policies or amendments shall be posted at least five (5) days prior to the public hearing in prominent work locations, copies of all proposals shall be provided to representatives of each employee collective bargaining unit.

(b) Public Hearing. The Personnel Board shall present the proposed policy(ies) or amendment(s), the purpose of the proposal, and the implication of any proposed change at the public hearing. Any person may attend the hearing, speak and present information. Within twenty (20) days after such public hearing the Personnel Board shall consider the proposed policies and may vote to adopt the policies (with or without modifications), reject the policies, or indicate that further study is necessary. Policies shall become effective upon approval of the Personnel Board, unless some other date is specified.

Section 6. Severability

The provisions of this by-law and any regulations adopted pursuant to this by-law are severable. If any by-law provision or regulation is held invalid, the remaining provisions of the by-laws or regulations shall not be affected thereby.

Section 7. Effective Date

This by-law shall take effect upon approval of the Attorney General of the Commonwealth and proper posting and printing as required by Chapter 40, section 32 of the General Laws of the Commonwealth of Massachusetts. (Added/Effective 4/19/1988)