

TOWN OF SOMERSET

MASSACHUSETTS

CONSOLIDATED PERSONNEL BY-LAW

ADOPTED: MAY 19, 1986

EFFECTIVE: JULY 1, 1986

**AMENDED: 1987, 1988, 1989, 1990, 1992, 1993,
1994, 1995, 1996, 2001, 2008, 2009, 2011 2012, 2013, 2014,
2016, 2017, 2018, 2019, 2021, 2023, 2024, 2025**

**PREAMBLE
EQUAL EMPLOYMENT
OPPORTUNITY POLICY
TOWN OF SOMERSET, MA.**

The policy of the Town of Somerset, MA, is to provide equal employment opportunity to all candidates for employment or appointment and administer working conditions, benefits, privileges of employment, training, advancement, upgrading, promotion, transfer and terminations or employment for all employees without regard to race, color, religion, national origin, sex, age or handicap.

**ARTICLE I
APPLICATION AND DEFINITIONS**

APPLICATION: By authority of Section 21B of Chapter 40 and Sections 108A and 108C of Chapter 41 of the General Laws, the Town of Somerset, MA., adopts the terms and conditions set forth below as its Consolidated Personnel Bylaw which shall apply to all employees of the Town, except sworn and uniformed Public Safety employees and employees of the Somerset School Committee or covered by Collective Bargaining Agreements with the Town.

Definitions: As used in the Bylaw, the following terms shall have the meaning indicated:

- 1. Employee:** Any person who is paid by the Town for services rendered to the Town, excluding elected officials, independent contractors and persons under the direction of the School Committee.
- 2. Permanent Full Time Employee:** Any employee who is employed no less than the maximum number of hours per week, 52 weeks per year for the department or position for which that person is employed.
- 3. Permanent Part Time Employee:** Any employee who works at least 20 hours or more each week for 52 weeks per year, but less than a normal work week for the department or position in which that person is employed.
- 4. Seasonal or Part Time Employee:** Any employee whose duration of employment with the Town is of a seasonal or emergency nature, or a specified limited amount of time, and/or works less than those hours specified under Paragraph 3, as stated above.
- 5. Salaried Employee:** Those exempted from specified hours of employment either on

a daily or weekly basis.

6. Continuous Service: Length of employment with the Town of Somerset of a full time or permanent part time employee, uninterrupted except for authorized leaves of absence, if applicable and covered by the terms of this bylaw.

7. Fiscal Year: Shall be from July 1 to the following June 30th, both dates inclusive.

8. Anniversary Date: Shall mean the date which is one full year after the date of initial appointment.

9. Step Rate Promotion Date: Shall mean the anniversary date from promotion and after having served 52 weeks of full time service at that grade and step before advancing to the next step in the salary schedule.

10. Probationary Period: Shall mean six months continuous employment in a job classification unless otherwise stated at the time of hire.

11. Job Classification: A particular job title within the Wage and Salary schedule.

12. Promotion: Shall mean a change from lower job classification to a higher classification with a higher salary level.

13. Step Rate Increase: Shall mean advancement in the same job classification from one rate to the next.

14. Seniority: Seniority shall begin upon the original date of employment and shall be computed according to the provisions of Continuous Service, (See #6).

15. Recruitment Rate: All new employees will be hired at Step 1 of the appropriate job group. Approval to hire above the step will be subject to approval of the Appointing Authority or their designee.

16. Sick Leave: Any time during which an employee is absent from work due to illness and for which the employee is entitled to receive pay through the use of accumulated sick leave credits.

17. Absence: Any time an employee is not at work, when the employee is scheduled for work.

18. Absence with Pay: Time spent on approved vacation leave, sick leave, personal leave, holidays or compensatory time.

19. Absence Without Pay: Includes any absence which may not appropriately be charged to any creditable time, such as vacation, personal days, sick leave, holidays or compensatory time.

20. Authorized Leave of Absence Without Pay:

A. Ten days or less may be authorized by the Department Head for good and sufficient reason.

B. More than ten days with prior approval of both the Department Head and the Appointing Authority or their designee. The request shall contain specific reasons or circumstances and if for medical reason, be accompanied by a doctor's certificate. The Personnel Director may approve or deny the request and the employee shall be notified within one week.

21. Unauthorized Absence: Any absence without pay for which no authorization has been given.

22. Appointing Authority: Shall mean any person(s), Board or Committee who has the right to hire and fire.

23. Disciplinary Action: Disciplinary action is an action taken against any employee for violations of the Personnel Bylaw and/or failure to perform the duties of the position to which they are assigned.

24. Demotion: A change by an employee from a position with greater responsibility and a higher compensation grade to a position with less responsibility and a lower compensation grade.

25. Compensatory Time: Is paid time off granted to an employee in accordance with the Fair Labor Standards Act for working extra hours.

**ARTICLE II
EMPLOYEE BENEFITS**

A. Application:

Permanent Full Time Employees -- All of the below listed employee benefits apply to full time employees.

Permanent Part-Time Employees -- Eligible for all employee benefits in proportion to the ratio that their average weekly hours of work in the preceding 12 months bears to a normal work week for their job.

Seasonal or Part-time Employees -- Not eligible for employee benefits.

B. Vacation Leave:

Paid vacation time shall be granted to regular full time employees in accordance

with the following table and regular permanent part-time employees shall have vacation periods on a proportionate basis. Temporary employees shall not be paid vacation. The vacation leave provided under this section shall be taken after the employee's anniversary date and will not be accumulated. The choice of vacation shall be on the basis of seniority in the department and approved by the Department Head.

Vacation leave shall be granted based on the completed years of service as follows:

YEARS OF SERVICE	VACATION TIME
1	2 work weeks
5	3 work weeks
10	4 work weeks
20	5 work weeks

Vacations may be taken in less than weekly increments with the approval of the Department Head.

Whenever employment is terminated by dismissal through no fault or delinquency on the employee's part, or by death, without his or her having been granted a vacation to which entitled, he or she, in the case of death the employee's estate or other qualified person, shall be paid vacation pay at the regular rate of compensation payable to the employee at the termination of employment.

The use of vacation leave on account of sickness in excess of that authorized under Sick Leave may be approved upon application to the Department Head and the Personnel Director. The charging of vacation leave to the sick leave account may not exceed the amount of vacation leave that had been earned at the time of the employee's request.

An employee will be granted an additional day of vacation if, while on vacation leave, a designated holiday is observed.

C. Personal Days: After the anniversary date of each full time employee three (3) paid personal days may be taken during the following twelve months for personal emergency or necessity, said change to be effective as of July 1, 2008. Forty-eight hours notice must be given to the Department Head except in the case of an emergency.

Personal days are not accumulative, nor shall any monetary value be placed upon days not taken.

Personal days for a permanent part time employee will be granted on a pro-rated basis.

A supervisor may not question the reason for personal leave.

A supervisor may deny a request for personal leave only due to scheduling problems.

D. Court Leave: Any permanent full time or permanent part-time employee called for jury duty shall be paid the difference between their regular pay, as calculated herein, and

the compensation received by them as a juror, exclusive of travel allowances. Any employee summoned as a witness on behalf of the Town shall receive full pay and shall return to the Town Treasurer any amounts given for witness fees, exclusive of travel allowance.

E. Longevity: Following the completion of the specified years of continuous service with the Town of Somerset, each regular full time employee and regular permanent part-time employee shall be eligible for weekly longevity payments in accordance with the following schedule:

5 Years – 9 Years	\$5
10 Years – 14 Years	\$10
15 Years – 19 Years	\$20
20 Years – 24 Years	\$30
25 Years plus.....	\$40

F. Maternity Leave: Maternity leave shall be granted without pay to every permanent full time or permanent part-time employee who has been employed for at least six consecutive months. This leave shall be for a period of eight (8) weeks for the purpose of giving birth. The request for leave must be made two weeks in advance of the delivery date or beginning of the required leave, except in emergencies. Such an employee may be granted any sick leave or vacation credits available at the time of the beginning of the maternity leave period. Upon return to employment, prior to or upon the expiration of the eight (8) week period, said employee will be restored to her previous position or a similar position with the same status, pay and length of service credits, minus used vacation time and sick leave, as at the time of said employee's leaving. Restoration of position is contingent upon employee's status not being affected by required layoffs.

G. Military Leave: Any permanent full time or permanent part-time employee who is a member of any United States Reserve Unit, or any component of the U.S. Reserves shall be paid their regular pay for training or emergency duty, not to exceed seventeen (17) days in any one year. Proof of service shall be submitted to be appropriate agency or department head. Copy of orders must be on file with appropriate agency or department head.

Any permanent full time employee or permanent part-time employee who is drafted or enlists in the Armed Services during any wartime emergency shall be granted military leave. Within sixty days upon release they shall be reinstated if they so desire, to the same or comparable position. They shall be given the benefits of all increased rates of pay and vacation status as if their services had been continuous.

H. Holidays (does not apply to the Superintendent of Streets): Each permanent full time and permanent part-time employee will be entitled to twelve paid holidays per year. The designated holidays are:

New Years Day
Martin Luther King Day
Washington's Birthday
Patriot's Day
Memorial Day
Independence Day

Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Last four (4) hours of the last work day before December 25

Last four (4) hours of Good Friday

Last four (4) hours of the last work day before January 1

Any permanent full time or permanent part-time employee whose services are required and who works on any of the 12 holidays so designated, shall receive additional compensation at the rate of 1-1/2 times their straight hourly earnings for each hour or portion thereof worked on the holiday or any overtime, if applicable.

When any of the 12 holidays fall within a vacation period, it shall be granted as a holiday and an additional day's vacation granted.

When any of the 12 holidays fall within a sick leave period, it shall be granted as a holiday and no charge made to the employee's sick leave credits.

Compensatory time off in lieu of holiday pay may be elected by the employee with approval of the Department Head.

I. Sick Leave: Sick leave with pay will be granted in accordance with the provisions of this Bylaw to each said permanent full time employee and permanent part-time employee when the employee:

A. Is incapacitated from the performance of his/her duties by sickness or injury except any sickness or injury resulting in whole or in part from the voluntary use of drugs or narcotics, any injury which is self-inflicted, and any injury which is incurred in gainful employment, or self-employment other than as a employee of the Town.

B. Receives medical, dental or optical examination or treatment.

C. Would jeopardize the health of others by his/her presence on duty because of exposure to a contagious disease.

D. Any employee may use up to three (3) sick days per year for injury or illness of members in his/her immediate household.

Any employee who has been continually in the service of the employer for thirty (30) days or more shall be entitled to sick leave with pay at the rate of one and one half (1 1/2) days per month accumulative at the end of each month.

Any employee after completing one (1) year of continuous service will be eligible to receive a bonus of \$375.00 annually if the employee does not utilize any sick leave. Each sick day utilized will cause the bonus to be reduced by \$75.00.

In case of absence due to a work related injury, the Town agrees to make up the difference between the Employee's regular gross wages and the amount received from

Worker's Compensation, with amount of said difference to be deducted from the cash value of the Employee's sick leave, personal or vacation days, should the Employee so choose.

The Department Head may require an employee to provide a medical certificate from his attending physician for sick leave in excess of three (3) consecutive work days. Medical certificates shall not be required for sick leave of three (3) consecutive work days or less, except in the cases where the Department Head has notified an employee in writing that his use of sick leave has indicated a pattern of abuse. In such cases, the Department Head may require a medical certificate from the employee's attending physician for sick leave of any duration. After six (6) months from the date of a written notice of suspected abuse, the obligation to provide a medical certificate for sick leave of three (3) consecutive days or less shall be lifted if there has been no additional abuse. The Department Head's determination that an employee has exhibited a pattern of sick leave abuse shall be subject to the grievance procedure.

Employees must notify the Department Head as soon as possible that they will be absent, but in no event later than two (2) hours after the beginning of their work day otherwise they will be considered on leave without pay. If any employee submits a claim based on a false statement or covering a period during which the employee was not actually disabled or ill will be subject to disciplinary action.

Upon death or retirement or as a result of an injured-on-duty disability, an employee or his or her estate shall receive a lump sum compensation equal to one-half (1/2) their daily rate of pay for sick leave days that they have accumulated beyond fifty (50) days.

For any employee hired on or after July 1, 1992, upon death or retirement at age 55 with at least 20 years continuous service or as a result of an injured-on-duty disability, an employee or his or her estate shall receive a lump sum compensation equal to \$25.00 per day for sick leave days they have accumulated up to 200 days for a maximum payment of \$5,000.00.

Employees employed at the acceptance of this Bylaw will be credited for accumulated sick leave at the rate of 18 days per year worked minus any used sick leave.

J. Sick Leave Bank: A Sick Leave Bank for the use of employees who have exhausted their own sick leave and who have serious illness will be maintained. All employees will donate two (2) days of their Sick Leave and the Town will donate one (1) day for each employee to initially fund the bank, and new employees covered under the Personnel Bylaw after its inception in 1986 shall donate two (2) days of their Sick Leave. The two (2) days donated shall not diminish from the sick leave bonus, and may be taken in the

second year of employment to allow the person time to build up extra sick leave. The initial grant of sick leave by the Sick Leave Bank Committee to an eligible employee shall not exceed thirty (30) days.

Upon completion of the thirty (30) day period, the period of entitlement may be extended by the Sick Leave Bank Committee upon demonstration of need by the applicant.

A Sick Leave Bank Committee consisting of three (3) employees selected by the personnel covered by this Bylaw shall determine the eligibility for the use of the bank and the amount of leave to be granted. The following criteria shall be used by the Committee in administering the Bank and in determining eligibility and amount of leave:

1. Adequate medical evidence of serious illness;
2. Prior utilization of all eligible sick leave, vacation and personal days;
3. Length of service to the Town;

If the Sick Leave Bank is exhausted, it shall be renewed by the contribution of one (1) additional day of sick leave by each employee covered by this Bylaw. Such additional day will be deducted from each employee's annual days of Sick Leave. The Sick Leave Bank Committee shall determine the time when it becomes necessary to replenish the Bank.

K. INSURANCE: The prevailing life and health insurance programs shall be available to permanent full time and permanent part-time employees in accordance with existing insurance contracts.

Employees who are granted authorized leave without pay shall be allowed to remain in any Town insurance program provided they pay the entire premium due to the Town Treasurer.

L. BEREAVEMENT: Bereavement leave without loss of pay shall be granted upon the request to the Department Head in the event of a death in an employee's immediate family:

Five (5) working days for spouse and child; and three (3) working days for mother, father, sister, brother, grandparents, grandchild, immediate in-laws, members of immediate household.

Immediate in-laws is defined to mean: mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law and daughter-in-law.

M. EDUCATIONAL INCENTIVES: Certain courses will be considered eligible as an educational incentive if they enhance an employee's skills in their specific job-related field, but are not necessary for the minimum educational requirements of the position. Employees who successfully complete courses approved in advance by the Department

Head shall be compensated at a rate of \$17.00 per credit for college courses and \$11.00 per C.E.U. or equivalent certificate course work. The credit value of C.E.U. Courses, Certificate Courses and Seminars will be determined in advance by the Department Head. These credits may be submitted for compensation in increments of five credits and will be paid annually.

Any questions regarding the appropriate nature of a course or the amount of compensation may be referred to the Personnel Director.

**ARTICLE III
COMPENSATION**

A. APPLICATION: The following compensation provisions and wage schedules apply to all Town employees as defined in Article I.

B. RATES: Compensation rates are tabulated in Table II according to the groupings established in Table I.

C. PROVISIONS:

1. Normal Work Week:

See Table, I, Wage & Salary Groups:

Area	Normal Work Week Hours	Normal Work Day Hours	Work Week Starts
Clerical	35	7	Saturday Midnight
All Others	40	8	Saturday Midnight

2. Regular Hourly Pay:

That compensation paid an employee for each hour worked during a normal work week. The straight time hourly earnings are to be calculated by dividing the weekly rate by the normal work week hours. For salaried positions, straight time hourly earnings are to be calculated by dividing the weekly compensation as listed in Weekly Wage and Salary Plan by the normal work week hours of that area in which the employee works.

3. Overtime:

A. Any hours, or portions thereof, worked by an employee, in the service of the Town, over and above the total hours for the normal work day and normal work week, (defined in Number 1, Section C, under Provisions). For purposes of calculating overtime, holiday pay, sick pay, and vacation pay shall be considered as hours worked.

B. Overtime pay shall be compensated to all employees, at one and one-half times straight hourly earnings with the exception of salaried personnel who are covered under

Paragraph 7 of this Section.

4. Wage and Salary Increases:

Increases in salary and wages between Steps 1-2-3-4-5-6-7-8-9 as shown on the schedules may be granted after 52 weeks if recommended by the appointing authority and shall be granted on the anniversary date of appointment, last step increase or promotion.

Normally after an initial appointment or promotion is made, an employee must serve one year (52) weeks before being advanced to the next step in the salary schedule. Permanent part-time employees will be advanced at the completion of 52 weeks and receive the ratio a step bears to full time service.

Step increases are not automatic. If in the opinion of the Appointing Authority, an employee's performance does not merit advancement a raise may be withheld. If any increase is so withheld, an employee must be notified in writing 30 days prior to the advancement date. It shall be reviewed at the end of the next three months. This process may be continued every three months for one year. If employment is continued, an increase shall be granted at the end of the year unless favorably acted upon before the year has expired.

In each case where an increase has been withheld, an employee may appeal for a review to the Personnel Director. The Personnel Director shall examine the employee's record, discuss work performance with the immediate supervisor and render a decision which shall be binding.

5. Promotions:

Upon promotion, an employee shall at least receive the amount of the annual increment for the new Job Group. If such rate does not appear in the Weekly Wage and Salary Plan, they shall be advanced to the next higher rate in the schedule. In no event shall it exceed the maximum for the Job Group.

6. Call Back Pay:

When full time employees, except salaried employees, are requested to return to work after completing their normal day's work, and work less than two (2) hours upon their return, they shall be compensated for no less than two (2) hours.

7. Salaries Overtime:

Salaried employees may be granted overtime subject to prior approval of the appointing authority and within budgetary constraints.

8. Permanent Part-Time Employees:

A. Permanent part-time employees shall be hired at the hourly rate of the minimum step of the designated classification. Exceptions require Personnel Director

approval.

B. A permanent part-time employee is eligible for advancement in the salary plan when that person has completed 52 full weeks of employment and it is recommended by the Department Head. Advancement will be at the ratio a step bears to full time service.

9. Seasonal or Part-Time Employees:

A. Seasonal or part-time employees shall be hired in a range from the prevailing minimum wage up to the minimum rate for that classification.

B. Seasonal employees shall be paid at a rate equal to their initial hire rate.

10. Probationary Period:

A. Unsatisfactory performance during the six month probationary period is cause for return to the previous job classification.

B. An employee may elect to return to the previous position during the six month probationary period.

C. A new hire can be separated during the six month probationary period.

11. Compensatory Time: When the Town Administrator closes the Town Office Building due to a state of emergency declared by the Governor or inclement weather, those employees who are required to work shall be entitled to compensatory time off at a rate of straight hourly earnings for the amount of hours the building is closed, or as otherwise required by the Fair Labor Standards Act.

**ARTICLE IV
REDUCTION IN FORCE (R.I.F.)**

A. In the event that, for reasons of economy, it becomes necessary for the Town of Somerset to reduce the number of employees under the Personnel Bylaw, the Town of Somerset, in determining which of its employees are to be terminated, will take into consideration the qualifications of such employees, the quality of their past performance and their seniority as employees of the Town of Somerset. Where, in the opinion of the appointing authority, the qualifications and the quality of performance of employees are substantially equal, employees will be terminated in the order of reverse seniority as employees of the department.

B. Employees, whose employment is so terminated, will be considered for re-employment by the Town in the inverse order of their termination during a period of one (1) year from the effective date of their termination, if they inform the appointing authority in writing of their desire to be considered.

C. An employee who is re-employed by the Town within said one (1) year period after termination under the provisions of this Article, shall have restored the unused sick leave

accumulated at the time of termination.

D. An employee whose employment date with the Town is the same day as another employee shall be terminated on the basis of a lottery drawn by the Personnel Director.

E. Employees whose employment is to be so terminated will be notified in writing of such termination no later than May 31st of the work year (fiscal year) at the end of which their employment is to be terminated.

ARTICLE V JOB POSTING AND BIDDING

When a position covered by this Bylaw becomes vacant, such a vacancy shall be posted for a period of five working days in a conspicuous place, listing the pay, duties and qualifications. Said posting shall also be in compliance with the Town's Affirmative Action Plan. The appointing authority will award the position to the most qualified applicant.

ARTICLE VI PHYSICAL EXAMINATION

Before appointment to a position in the Classified Plan requiring continuous employment, a candidate shall have passed a physical examination satisfactory to the Appointing Authority. The examining physician shall be appointed by the Appointing Authority and the examination shall be at the expense of the Town. The examining physician shall advise the Appointing Authority as to whether, in his opinion, the applicant is physically qualified to perform the duties of the position for which application has been made.

The Employer recognizes the importance of the physical condition of employees in the protection of the health, life, and limb of all other employees and so as to safeguard employees against disease, disability or injury caused by fellow employees, it reserves the right as a condition of employment, to require at any time, at its own expense by a physician of its choice, a physical or mental examination. The employer may refuse to employ any employee when, in the opinion of the Employer's physician, the physical or mental condition of the employee is such that his or her well being or that of other employees requires that he or she be relieved of his or her employment. In the event that the Town's physician and the employee's personal physician disagree as to the employee's physical and mental condition, an impartial physician will be selected to conduct an examination and the decision of said physician will be final and binding. Such testing will be done subject to all applicable federal and state laws and regulations.

**ARTICLE VII
GRIEVANCES AND APPEALS**

APPEALS PROCEDURE

A. First Step:

Any employee who believes that they have received inequitable treatment because of some condition of their employment may appeal for relief from that condition. An employee must discuss the grievance initially with their direct supervisor. Then, if the matter is not settled the employee should submit said grievance in writing to the Department Head, if different therefrom. The Department Head should respond, in writing, within seven days.

B. Second Step:

If an employee feels that they have a grievance that has not been satisfactorily resolved by their immediate supervisor or the Department Head, they shall then present the grievance in writing to the Personnel Director. The Personnel Director shall make every effort to resolve the grievance in question. If a satisfactory settlement cannot be reached within seven days of first notice of the grievance to the Personnel Director, then the Personnel Director shall give a written decision to the employee within the subsequent seven days.

**ARTICLE VIII
DISCIPLINARY ACTION**

While the Town recognizes that all of its employees are professionals with the highest possible standards, there are times when it is necessary to discipline individual employees. The Town believes that discipline should be used only in the most serious of incidents and with the utmost concern for the individuals involved. Any disciplinary action taken shall be as provided in the "Tenure Bylaw", Accepted March 10, 1969, amended May 17, 1976, December 16, 1991, and May 21, 2001, and incorporated herein by reference.

**ARTICLE IX
PERSONNEL DIRECTOR**

Authority

1. In accordance with the Town Administrator Bylaw the Town Administrator shall act as Personnel Director and administer the Personnel Bylaw including the attendant classification and compensation plans and establish rules and procedures for the purpose.

2. The Personnel Director's office shall maintain adequate personnel records of all

employees occupying positions and subject to the classification and/or compensation plans, and such other information as the Personnel Director deems necessary. Each department, committee, and board shall, in accordance with procedures prescribed, furnish such information as the Personnel Director shall require.

3. The Personnel Director shall hold hearings, if necessary, to settle any dispute relative to conditions of employment and have the authority to adjust individual employee grievances if inequities exist.

4. Reclassifications shall be made by the appointing or administrative authorities with the approval of the Personnel Director.

5. An appointing authority may assign a new employee only for purposes of pay to a rate higher than Step I in any case where the employee's prior experience in the work warrants such action and only with the written approval of the Personnel Director. The Personnel Director may investigate any request for a higher salary step and confer with the immediate supervisor or department head relative to such employment.

6. If qualified applicants are not available because of salary rates, an appointing authority may request approval to hire at a rate above Step I, but in no event at a rate higher than the salary being paid to the lowest paid employee in that classification and in that Department.

7. The Personnel Director shall verify salary rates being paid from the official records of the Town at least twice a year.

8. The Personnel Director shall provide sufficient copies of the Personnel Bylaw to each department for distribution to each employee. Each department head will provide each new employee with a copy of the Bylaw and have one available for reference at all times.

ARTICLE X AMENDMENT

1. The Classification Plan and/or Compensation Plan and/or other provisions of this Bylaw may be amended by vote of the Town at either a regular or Special Town Meeting in the same manner as other bylaws of the Town may be amended. However, no amendment shall be considered or voted on by Town Meeting unless the proposed amendment has first been considered by the Personnel Director and the Advisory & Finance Committee.

TABLE I

CODE: C = Clerical
F = Full Time
PPT = Permanent Part-time
S = Salaried

HOURS WORKED:

- C = 35 hours
- F = 40 hours
- PPT = 20 hours (minimum)
- S = Salaried

WAGE & SALARY GROUPS
GENERAL GOVERNMENT POSITIONS

Grade: A

- S Superintendent of Streets & Sanitation

Grade B:

- C Principal Assessor
- C Building Inspector / Zoning Agent
- C Director Council on Aging
- S Library Director
- C Board of Health / Conservation Agent
- C Recreation Director
- C Veterans Service Officer
- C Assistant to Town Administrator

Grade C:

- C Assistant Assessor
- C Librarian
- C Assistant Tax Collector
- C Assistant Town Accountant
- C Assistant Town Clerk
- C Assistant Treasurer / Group Insurance Coordinator
- F Highway & Sanitation Foreman
- F Highway Vehicle Maintenance Foreman
- C Administrative Assistant – Town Administrator

Grade D

- C Assistant to Council on Aging Director
- C Administrative Assistant - Fire Department
- C Administrative Assistant - Police Department
- C Administrative Assistant – Water Department
- C Administrative Assistant - Water Pollution Control

- C Administrative Assistant – Accounting
- C Administrative Assistant

Grade E:

- C Head of Circulation – Library
- C Head of Technical Services – Library
- C Head of Childrens – Library
- C Department Assistant – Permits / Board of Health
- C Payroll / Treasurer Clerk

Grade F:

- C Library Assistant
- F Custodian
- C Senior Floater
- C Office Clerk – Water

Table I
PUBLIC UTILITY POSITIONS

CODE: C=Clerical
F= Full Time
PPT= Permanent Part-time
S= Salaried

HOURS Worked:
C=35 Hours
F=40 Hours
PPT=20 Hours
S=Salaried

WAGE & SALARY GROUPS

GRADE A:

F Water Department Plant Manager & Chief Operator
F Water Pollution Control Plant Manager & Chief Operator

GRADE B:

F Collection System Chief Operator

GRADE C:

F Water Pollution Control Collection & System Foreman
F Water Department Distribution Systems Foreman

GRADE D:

F Water Pollution Control Maintenance Supervisor

GRADE E:

F Water Department Plant Shift Operator

GRADE F:

F Meter Reader / Cross Connection Operator

PERSONNEL BY-LAW

Accepted March 10, 1969, Amended: March 13, 1972, May 17, 1976, December 16, 1991, and May 21, 2001

A. Tenure:

1. For employees hired before July 1, 2018, every person in the hereinafter specified Town departments and offices who has held such office or employment under regular or permanent appointment in the official or labor service of the Town for a period of three years shall thereafter have unlimited tenure of office or employment, subject to the provisions hereof.

2. Except for reasons specifically given in writing, a tenured employee shall not be discharged, removed, denied reappointment, suspended or laid off for a period exceeding five days, transferred to another department or lowered in rank or compensation without his/her consent in writing, nor except for reasons specifically given in writing, shall his/her office or position be abolished.

Further no such employee shall be required to answer any charge against him/her unless upon complaint of a person whose identity shall be made known to the person whose conduct is the subject of the complaint. The complaint shall be in writing, signed by the complainant and sworn to under the pains and penalties of perjury before a notary public; provided, however, that said requirement shall not apply to complaints initiated by the employee's supervisor, department head, or appointing authority, or the Personnel Director.

3. Before any action affecting employment or compensation referred to in Paragraph 2 is taken, the officer or employee shall be given a written statement of the specific reason or reasons for the contemplated action, together with a copy of this By-law, and shall be given a full hearing before the appointing authority on the specific reason or reasons given of which hearing he shall have at least three days written notice from the appointing authority. Within two days after completion of said hearing, the appointing authority shall give to the employee affected a written notice of decision, stating fully and specifically the reasons therefor.

4. If within five days after receiving notice of the decision of the appointing authority the employee affected shall so request in writing, the matter shall be submitted to Arbitration. The parties shall thereupon in writing agree to submit the dispute to Arbitration by a single arbitrator in accordance with the provisions of Mass. Gen. Laws, Chapter 251. All proceedings hereunder shall be in accordance with said Chapter 251, shall be held in Bristol County, Massachusetts, and the costs of arbitration shall be borne equally by the parties. Both parties shall have the right to apply to the Superior Court of

Bristol County to vacate or modify the award as provided in said Chapter 251.

5. Any hearing hereunder shall, if either party so requests in writing, be public, the person concerned shall be allowed to answer the charges preferred against him. Both parties may appear personally and/or be represented by counsel, and may make, at their own expense, a stenographic record of the proceedings. The parties may, in any particular instance, waive the time requirements for notice, claim of hearing, or report of decision by agreement in writing.

6. The job tenure and procedural rights hereby granted to those employees qualified hereunder shall be, and are, essential conditions of their several contracts of employment with the Town.

7. The appointing authority may make suitable regulations governing the departments and employees to which the By-Law is applicable, and the same shall constitute essential terms and conditions of employment therein for the purposes of this By-Law.

B. Departments and/or Employees Covered

1. This By-Law is hereby made specifically applicable only to such officers and employees of the following Town Departments and positions as have held such office or employment for a period of three years or more:

- a) Police Department
- b) Fire Department
- c) All other regular, non-elected Town employees with the exception of those employees whose tenure of employment is otherwise governed by specific provisions of law.

2. This By-Law shall not be applicable to those Town employees holding office or employment covered by any of the provisions of the Civil Service Laws of the Commonwealth, to those Town Employees covered by collective bargaining contracts with the Town, and to the employees appointed by the School Committee. This By-law shall not apply to any employee hired after July 1, 2018.

CONSOLIDATED PERSONNEL BYLAW

Adopted May 19, 1986 and Amendments

Effective July 1, 1986

AS PROVIDED UNDER ARTICLE IX, PERSONNEL DIRECTOR, AUTHORITY #1: THE FOLLOWING "RULES AND REGULATIONS" HAVE BEEN ESTABLISHED:

1. Reclassification requests must be submitted prior to September 30th and must be accompanied by a favorable recommendation from the Employee's Department Head.
2. All absence reports and compensatory time reports must be filed in the Town Administrator/Personnel Director's Office in advance of time taken but in any event, **NO** later than one week after time taken or earned.
3. Vacation time must be taken within the anniversary date of the employee. Only in an **EXTREME EMERGENCY** will the employee be allowed to carry over any time to the next anniversary period. If said emergency does exist and time is taken beyond the employee's anniversary date, it can only be compensated at the rate of pay at which it was earned. Approval of Department Head is necessary.
4. Vacation time **CANNOT** be taken on an hourly basis. It can be taken in no less than half-day increments.
5. When a Holiday falls on a Saturday, the holiday time **MUST** be taken within 30 days after said holiday.
6. Compensatory time must be approved by the Department Head, and in cases involving a Department Head, it must be approved either by the Town Administrator/Personnel Director or an Elected Official responsible for the Department.
7. Compensatory time **CANNOT** be accumulated beyond the Fiscal Year in which it is earned. It is suggested than any compensatory time earned be taken as soon as it is feasible within the Department.
8. When an individual either receives a reclassification or a step increase other than at the beginning of the Town's Fiscal Year, all future wage adjustments will become effective from the date of the change.
9. When an individual receives a summons for jury duty, a copy of the attendance form must be filed in the individual's personnel folder on file in the Town Administrator/Personnel Director's Office.

10. Educational Incentives requirements:

Minimum educational requirements for a position should be held prior to hiring, however, if acquired after hire they will not be considered eligible for Educational Incentive Credit.

Course work required to maintain licenses or certification may be funded by the governing authority and/or taken during work time, but will not be eligible for Educational Incentive.

Courses considered advantageous, but not required for license or certification, (ex. - CPR by Library Staff) MAY be funded by the governing authority and/or taken during work time, but will not be eligible for Educational Incentive.

Course(s) must enhance your skills in your current position.

Course(s) must have prior approval by the Department Head.

Course(s) must be successfully completed with a grade of C or better.

Course(s) must be paid for by the employee.

Course(s) must be taken on the employees own time.

Copies of course transcripts must be sent to the Department Head and the Personnel Director when requesting payment.

Payment will be made annually for increments of 5 credits. Those credits must be earned prior to 12/31 for inclusion in the following budget year.

If an employee takes a job which REQUIRES courses previously covered under the Educational Incentive, the employee will LOSE those Educational Incentive Credits.

Courses taken prior to the passage of this article will not be counted unless they are now being paid to employees included in the Personnel Bylaw in that Department.

Any questions concerning courses or credit eligibility will be taken to the Personnel Director for Clarification.

