

Town of Plympton

Wage and Personnel By-Law



Effective July 1, 2022
and as may be amended

WAGE AND PERSONNEL BYLAW

TABLE OF CONTENTS

<u>Section</u>	<u>Page Number</u>
1. Authorization.....	1
2. Definitions	1
3. Wage Advisory Committee.....	3
4. Town Administrator	4
5. Recruitment, Selection and Appointment.....	4
(a) Staffing Controls	
(b) Emergency Appointments	
(c) Medical Examinations	
(d) Notice of Vacancies	
(e) Employment above the Minimum Entrance Rate	
(f) Disciplinary Policy	
6. Wage & Personnel Classification Plan.....	8
(a) Classification and Compensation Plan	
(b) Position Descriptions	
(c) Periodic Reviews	
(d) New Position Classification	
(e) Reclassification	
(f) Interpretation of Rates of Compensation	
(g) Promotion	
(h) Lateral Transfer	
(i) Personal Rate	
(j) Entrance Rate for New Appointments	
(k) Changes to Compensation Schedules	
(l) Overtime	
7. Sample Schedule - Classification and Rates of Compensation.....	10
8. Amendment of the Bylaw.....	12
9. Paid Holidays	12
10. Vacation Leave	13
11. Sick Leave	13
12. Other Leave.....	14
(a) Bereavement Leave	
(b) Military Leave	
(c) Civic Duty Leave	
(d) Family and Medical Leave	

(e) Authorized Unpaid Leave of Absence

13. Personnel Appeals.....	16
14. Miscellaneous Provisions	17

Section 1. Authorization

Pursuant to the authority contained in Sections 108A and 108C of Chapter 41 of the Massachusetts General Laws (M.G.L.), there shall be established plans, which may be amended from time to time by vote of the Town of Plympton (the "Town") at an Annual or Special Town Meeting: (a) classifying positions in the service of the Town, other than those filled by popular election, those under collective bargaining, those under the direction and control of the School Committee, those whose employment is regulated by employment agreement, and the position of Town Counsel, into groups and classes doing substantially similar work or having substantially equal responsibilities; (b) authorizing a compensation plan for positions in the classification plan; (c) providing for the maintenance of said classification and compensation plans; and (d) establishing working conditions and employee benefits for those occupying positions in the classification plan.

Section 2. Definitions

Appointing Authority – Any board or official authorized by M.G.L., the Town bylaw, or otherwise to appoint employees to positions in Town Service.

Base Pay – The rate of pay established for a position by the Compensation Plan prior to inclusion of any longevity, differential or other special pay.

Benefit-eligible Part-time Employment – Appointment to a position in Town service for a regular schedule of 20 or more hours per week but less than full-time. Benefit-eligible part-time employees are eligible for pro-rated leaves and benefits.

Civil Service Law – Chapter 31 of the M.G.L. of the Commonwealth, as amended, and all rules and regulations made thereunder; and any special law enacted by the General Court regulating the classification, compensation and conditions of employment of officers and employees of the Town under Chapter 31.

Class – A group of positions in Town service sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class, that the same qualifications shall be required of the incumbents, that the same tests of fitness may be used to choose qualified employees, and that the same scale of compensation can be made to apply with equity.

Classification Plan – The classification plan established in Section 7 of this Bylaw and by votes of the Town Meeting in relation thereto, under authority of M.G.L. Chapter 41, Sections 108A and 108C, as amended.

Compensation Grade – A range of salary or wage rates appearing in Section 7.

Compensation Plan – The plan established by Section 7 of this Bylaw and by votes of the Town Meeting in relation thereto, under authority of M.G.L. Chapter 41, Sections 108A and 108C, as amended.

Continuous Employment – Employment, uninterrupted except for required military service and for authorized leave, sick leave, bereavement leave, or other leave of absence.

Department – A department, board, committee, commission, or other agency of the Town subject to this Bylaw.

Department Head – The officer, board or other body having immediate supervision and control of a department.

Emergency Employee – An employee retained on a non-competitive basis in a position in Town service for a period of time not to exceed three calendar weeks, in order to prevent stoppage of public business or hazard or serious inconvenience to the public.

Employee – An employee of the Town occupying a position in the classification plan.

Exempt Employee – An employee whose position is not regulated by the provisions of the U.S. Fair Labor Standards Act.

Fiscal Year – An accounting period of 12 months; July 1 of one year through June 30 of the subsequent year.

Full-time Employment – Employment for not less than 35 hours per week for 52 weeks per year, minus legal holidays and authorized vacation leave, sick leave, bereavement leave, and other leave of absence.

Increment – The dollar difference between step rates.

Intermittent Employment – Employment in a part-time position which is not continuous and which is rendered as required and without regularity. Intermittent employees are ineligible for leaves and benefits.

Lateral Transfer – Transfer to a position of the same compensation grade as the original position before transfer.

Maximum Rate – The highest rate in a range which an employee normally is entitled to attain.

Minimum Rate – The rate in a range which is normally the hiring rate of a new employee.

Non-exempt Employee – An employee whose employment is regulated by the provisions of the U.S. Fair Labor Standards Act.

Overtime – Time worked in excess of 40 hours a week for non-exempt employees (in accordance with the U.S. Fair Labor Standards Act).

Part-time Employment – Appointment to a position in Town service for less than 20 hours per week. Part-time employees are ineligible for leaves and benefits.

Permanent Position – Any position in Town service which has required or which is likely to require the services of an incumbent without interruption of a period of more than six calendar months, either on a full-time or part-time employment basis.

Personal Rate – A rate above the maximum rate applicable only to a designated employee.

Position – A post of employment established in the classification plan with assigned duties and responsibilities.

Probationary Period – The first months of employment in any position in Town service, the length of which is determined by job title.

Promotion – A change from a position of a lower class and compensation grade to a position with greater responsibilities in a higher class and compensation grade.

Range – The dollar difference between minimum and maximum rates.

Rate – A sum of money designated as compensation for hourly, weekly, semi-monthly, monthly or annual personal services.

Reclassification – A change made to a position title within the classification plan as a result of a change of duties required to be performed by the position.

Step Rate – A rate in the range of a compensation grade.

Temporary/Seasonal Employment – Employment in a position in Town service which requires or is likely to require service for a period not exceeding six calendar months. Temporary and seasonal employees are ineligible for leaves and benefits.

Town Administrator – The administrative officer responsible for the administration and coordination of the Town's personnel functions, including recruitment, selection and appointment.

Section 3. Wage Advisory Committee

(a) *Composition, Mode of Selection and Qualification*

1. There shall be a Wage Advisory Committee ("the Committee") consisting of three members, who shall not be employees or elected officials of the Town, responsible for providing counsel and assistance to the Town Administrator in the general administration and maintenance of this Wage and Personnel Bylaw, and classification and compensation plans. All members shall be appointed by the Board of Selectmen. Terms shall be for three years, or for the unexpired term of a member who has resigned, with appointments to be made as soon as feasible. The three members of the Committee shall be initially appointed for terms of one, two and three years, respectively, and upon normal expiration of these terms, their successors shall be appointed by the same appointing authority for terms of three years. Forthwith, after its appointment and annually, the Committee shall meet and organize by electing a chairman and a secretary.
2. A majority of the Committee shall constitute a quorum for the transaction of business. A majority vote of the Committee shall determine the action which the Committee will take in all matters upon which it is authorized or required to act.

(b) *Powers, Duties and Responsibilities*

1. The Committee shall provide counsel and assistance to the Town Administrator in drafting and recommending to the Town proposals for classification and compensation plans and related provisions for consideration as amendments to this Bylaw.
2. The Committee shall review this Wage and Personnel Bylaw once per year prior to the closing of the Annual Town Meeting Warrant and shall recommend updates as necessary to keep the Bylaw current and in compliance with applicable laws.
3. In particular, the Wage Advisory Committee shall be responsible for monitoring fairness and equity in pay scales and other conditions of employment for employees of the Town, and for researching such terms in other communities. The Wage Advisory Committee shall also provide the Town Administrator with an annual recommendation on what cost of living adjustment(s), if any, should be made to the Town's compensation plan, with such recommendation being due by February 1 of a given year, prior to the closing of the Annual Town Meeting Warrant. At the request of the Town Administrator, the Wage Advisory Committee shall confer with the Town Administrator regarding pay and other employment benefits, and present reports detailing their research and recommendations if requested.

(c) *Staff*

The Committee may utilize interns or assistants and incur expenses as approved by the Town Administrator, as it deems necessary, subject to the appropriation of funds there for.

**Section 4.
Town Administrator**

- (a) The Town Administrator shall be responsible for the administration of this Bylaw, except as to such duties and powers held by the Town Administrator.
- (b) The Town Administrator shall be responsible for the administration of the classification and compensation plans.
- (c) The Town Administrator shall exercise direct supervision of the employees of the Selectmen's office and provide general supervision to department heads under the control of the Board of Selectmen. Such department heads shall report to the Board through the Town Administrator.
- (d) The Town Administrator shall ensure that the Town maintains an effective personnel system by monitoring the effectiveness of policies, procedures and practices as required by law, and enforcing same when necessary, in accordance with proper personnel practices.
- (e) The Town Administrator shall ensure that the recruitment, selection, appointment, promotion, transfer, discipline and termination of employees are conducted in accordance with applicable state and federal laws, and with Town bylaws and policies adopted pursuant to the same.
- (f) The Town Administrator shall administer employee benefit programs for Town personnel subject to the Bylaw and other town personnel as may be placed under his/her jurisdiction for these purposes by departments not subject to the Bylaw. This includes an exercise of the responsibilities granted to a Personnel Relations Review Board pursuant to M.G.L. Chapter 40, Section 21B. The Town Administrator shall be responsible for administering the Personnel Appeals Procedure detailed in Section 13 of this Bylaw.
- (g) The Town Administrator shall establish and maintain a centralized personnel record-keeping system as may be required by law and good personnel management practice.
- (h) The Town Administrator shall provide such advice, assistance and information to the Board of Selectmen as it may require for the discharge of its duties.
- (i) The Town Administrator shall provide advice and assistance to department heads, supervisory personnel, employees, officers, boards, commissions or committees on all aspects of personnel administration.

**Section 5.
Recruitment, Selection and Appointment**

(a) *Staffing Controls*

1. As soon as a department head receives or gives notice that a position under his/her jurisdiction will be vacant, he/she will, prior to advertising or filling the position, notify the Town Administrator of the expected vacancy. No action shall be taken to fill the position or to advertise until the Town Administrator reviews the job description and proposed compensation.

2. Except for emergency employees, no employment in, promotion to or transfer to a paid appointive position shall take effect until it has been approved by the Town Administrator, to ensure compliance with the classification plan, compensation plan, and other provisions of this Bylaw.

(b) *Emergency Appointments*

In the case of an emergency declared by a department head having supervision of a department, said department may employ, subject to appropriation, emergency employees without the prior approval of the Town Administrator. An emergency appointment shall not exceed a total of three (3) calendar weeks.

(c) *Medical Examinations*

All persons selected for full-time or benefit-eligible part-time employment, or to any other position as the Town may require, may be required to undergo a medical examination prior to the starting date of employment. If a fitness for duty examination is required for a particular position, such examination shall be conducted by a Town-designated physician, and shall be at the expense of the Town. The examining physician shall advise the Town Administrator in writing whether the candidate is capable of performing the essential functions of the position.

(d) *Notice of Vacancies*

Department heads shall, upon the identification of a vacancy or the authorization of a new position, prepare a job vacancy notice. The job vacancy notice shall include the job title, essential functions, qualifications, salary, closing date for applications and application instructions. The Town Administrator shall review all job notices prior to posting, and the content and funding availability of all job advertisements prior to publication, if appropriate. All positions will be publicized in such a manner as to encourage the application of qualified candidates. Methods of advertising may vary depending on the nature and requirements of the position. Job notices of vacant positions must be posted for eight (8) business days on the Town House bulletin board, and may be posted elsewhere deemed appropriate.

A job vacancy notice may be deemed internal. The Town may refuse to consider any application to an internal vacancy from an applicant that is not employed by the Town of Plympton at the time the posting is made.

(e) *Employment above the Minimum Entrance Rate*

Upon recommendation of a department head, supported by evidence in writing of special reasons and exceptional circumstances, the Town Administrator may recommend to the Board of Selectmen or other appointing authority an entrance rate higher than the minimum rate for a position. No variance shall become effective unless, or until, the necessary funds have been appropriated therefor.

(f) *Disciplinary Policy*

All employees are responsible for observing regulations necessary for proper operation of Town departments. Disciplinary action shall be the responsibility of supervisors, department heads and appointing authorities, who shall exercise their responsibility with discretion and with concern for the employee and co-workers. The following is intended to serve as a guideline in the determination as to when disciplinary action is appropriate and what form it should take. The Town will consider all relevant factors including the circumstances of the particular infraction; the seriousness of the incident; the employee's overall employment record; and the detriment or risk to the Town, its employees, residents or visitors as a result of the infraction. This disciplinary policy does not constitute a contract or grant contractual rights to any employee. Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public.

The following shall be sufficient cause for disciplinary action. The list is illustrative only and shall not be considered to include all reasons for disciplinary action:

1. Incompetence, inefficiency or negligence in performance of assigned duties
2. Inability or refusal to perform one or more critical elements of the position
3. Abuse of sick leave or absence without leave

Sick leave abuse may include and is not limited to the following: absences on days before and/or after days off; use of a total of eight (8) sick days without a medical certificate in a calendar year; three (3) or more occurrences of undocumented sick leave use on any specific day of the week; an occurrence of sick leave usage after being denied other leave; an occurrence of sick leave usage after being notified of a forced overtime shift; excessive use of sick leave during particular times (seasons, months) during the year; use of sick leave during weekend shifts; use of leave before or after a holiday recognized by the Town; or use of sick day determined to be improper after investigation.

4. Violation of safety rules, practices and policies
5. Refusal to perform a reasonable amount of work, violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a supervisor
6. Habitual tardiness or absence from duty
7. Falsification of time sheets
8. Use or possession of illegal narcotics or alcohol while on duty
9. Theft, misuse, negligence, destruction or unauthorized use of Town property or conversion of Town property for personal use or gain
10. Fraud, falsification of information, omission of material information in securing appointment
11. Disclosure of confidential information
12. Conviction of a felony
13. Engaging in harassment, sexual harassment, or any other form of prohibited behavior
14. Activities prohibited by Town bylaws, rules and regulations, policies, or state law
15. Insubordination
16. The use of abusive language toward a superior, another employee or the public
17. Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of employment duties
18. Falsification of records or use of official position for personal advantage
19. Any other situation or instance of seriousness that disciplinary action is warranted

Disciplinary action may include a verbal reprimand, written reprimand, disciplinary probation, adherence to a corrective action plan, suspensions and/or discharge. Suspensions may be in lieu of verbal reprimand, written reprimand and disciplinary probation and suspension may be effective immediately.

The Town reserves the right to treat disciplinary situations on a case-by-case basis. The disciplinary procedures set forth herein are intended as a guide for management and employees only and, depending upon the circumstances, all or none of the following forms of discipline may be imposed in a particular situation. Because, absent contrary provisions of a collective bargaining agreement or civil service regulations, employment with the Town is on an at-will basis, either the Town or the employee may terminate the employment relationship at any time, for any reason, notwithstanding the provisions of this section, subject to the requirements of law.

Verbal reprimand: A department supervisor, or appointing authority, upon conduct warranting discipline, may issue a verbal warning to the employee. The verbal warning shall be presented in a manner which limits embarrassment to the employee and shall include a statement concerning the purpose of the warning. A verbal reprimand may be noted in the employee's personnel file by written memorandum.

Written reprimand: If a verbal warning fails to correct conduct warranting disciplinary action, or the conduct warrants more serious discipline, the department supervisor or the appointing authority, may issue a written warning. This shall include the reason(s) for the warning and an offer of assistance from the department head or from the appointing authority in correcting the problem.

A copy of the written warning signed by the department head or the appointing authority and the employee shall be placed in the employee's personnel file and the warning shall set forth a specified period in which the behavior shall be corrected. The employee may submit a written response to the reprimand to be placed in his/her file. If the employee refuses to sign the written warning, the department supervisor or appointing authority shall so note on the warning.

Disciplinary Probation: If a written warning fails to correct conduct warranting disciplinary action, or the conduct warrants more serious discipline, the department supervisor or the appointing authority, may place an employee on disciplinary probation for a period of up to three (3) months. The employee shall receive a written notice stating the reason(s) for the disciplinary probation, the requirements for satisfactorily completing the disciplinary probation, and the effective starting and ending dates of such probation. At the expiration of the disciplinary probation period, the appointing authority shall notify the employee in writing that the probation has been removed or that further disciplinary action will be taken due to failure to correct, or recurrence of, the offending conduct.

Suspension: At the discretion of a department head or supervisor and with the advanced approval of the appointing authority or his/her designee, an employee may be suspended, with or without pay, for cause. Such period may be reduced or extended upon review. If warranted, a suspension may be imposed prior to and/or in lieu of oral reprimand, written reprimand, and disciplinary probation and may be effective immediately. Within forty-eight (48) business hours of the effective date of the suspension the employee will be provided with a written notice stating the reasons for and the length of the suspension.

Discharge: At the discretion of a department head or supervisor and with the advanced approval of the appointing authority or his/her designee, an employee may be discharged for unsatisfactory job performance, violation of any relevant rules and/or policies, including any reason listed above, or for any reason deemed sufficient by the appointing authority. Prior to discharge, the appointing authority will provide the employee with a written notice stating the reason or reasons for the contemplated action and an opportunity to attend a hearing. For reasons deemed sufficient by the appointing authority or Board of Selectmen, suspension or discharge may apply without any prior warnings. Any decision made by the appointing authority or Board of Selectmen regarding discipline or discharge shall be final.

Paid Administrative Leave: At the discretion of a department head or supervisor and with the advanced approval

of the appointing authority or his/her designee, an employee may be placed on Paid Administrative Leave, a temporary leave from a job assignment, with pay and benefits intact to conduct an internal review or investigation. Paid Administrative Leave shall not be deemed discipline.

Section 6. Wage & Personnel Classification Plan

(a) *Classification and Compensation Plan*

The Town Administrator, after conferring with the Committee, shall formulate and submit to the Annual Town Meeting for its consideration and action, a Wage & Personnel Classification Plan pursuant to Section 108A of Chapter 41 of the M.G.L., as amended.

The Wage & Personnel Classification Plan shall be administered by the Town Administrator, except as otherwise provided herein and shall serve as a schedule setting forth the classes of positions, by job title, in Town service, which are subject to the provisions of this Bylaw and shall also provide minimum and maximum salaries or wages for all classes of positions.

An example of such Wage & Personnel Classification Plan has been incorporated into Section 7 of this Bylaw.

No appointing authority or department head may change the compensation of any employee from that set forth in the compensation plan.

These classes of positions shall constitute the classification plan for the Town within the meaning of Section 108A of Chapter 41 of the M.G.L., as amended.

The title in each class, as established by the classification plan, shall be the official title of every position assigned to the class and the official title of each incumbent of a position so assigned, and shall be used to the exclusion of all others on payroll, budget estimates, and other official records and reports pertaining to the position.

No person shall be appointed, employed or paid as an employee in any position in the Classification Plan under any title other than one appearing in Section 7.

Any compensation, benefit or authorization not specifically granted to employees and to positions classified under this Bylaw, or under state and/or federal statute or regulation, is prohibited.

(b) *Position Descriptions*

The Town Administrator shall maintain written position descriptions and specifications for the classes and positions in the classification plan, each consisting of a title, a statement of the nature of the work and all essential functions, examples of duties and responsibilities and the minimum experience, education and other requirements that are necessary for the satisfactory performance of the duties of the position. Such position description shall be construed solely as a means of identification. It shall not modify, or in any way affect, the power of any appointing authority or department head, as otherwise existing, to appoint, to assign duties to, or to direct and control the work of any employee under its jurisdiction.

(c) *Periodic Reviews*

The Town Administrator shall, from time to time, investigate the classification of any or all positions subject to the provisions of this Bylaw. Such reviews shall be made at such intervals as the Town Administrator deems necessary and, to the extent which the Town Administrator considers practicable, shall include any or all

occupational groups in the classification plan.

(d) *New Position Classification*

Whenever a new position is requested, upon presentation of substantiating data satisfactory to the Town Administrator, the Town Administrator recommend the position with its appropriate class and compensation. Said recommendation must be approved at an annual or special town meeting.

(e) *Reclassification*

No position may be reclassified, nor may any class be assigned to a different compensation grade, until the Town Administrator shall have determined such reclassification and compensation grade, and until such reclassification and compensation grade change have been approved by a majority at Annual Town Meeting.

(f) *Interpretation of Rates of Compensation*

1. All employees shall be paid on the hourly, weekly, semi-monthly, annual or other basis contained in the compensation plan, unless otherwise authorized by the Town Administrator.
2. Salaried employees whose service is less than full-time shall be compensated based on the ratio that such employment bears to full-time employment.

(g) *Promotion*

An employee receiving a promotion to a vacant position or to a new position as defined in this Section shall, upon assignment resulting from such promotion, receive the rate in the compensation grade of the vacant or new position providing a minimum of a five (5) percent increase.

(h) *Lateral Transfer*

An employee who transfers to a position of equal grade shall enter the new position at the same rate as his/her prior position and shall retain the same rate for the purposes of future increases.

(i) *Personal Rate*

If an employee's rate at the time of the adoption of a new compensation plan is in excess of the maximum rate set forth in the appropriate compensation grade in Section 7, his/her rate shall not be reduced. Rather, the employee's rate shall become a personal rate, applicable only to that employee.

(j) *Entrance Rate for New Appointments*

Persons appointed to positions in the classification plan shall be paid at the minimum rate except as may be authorized by the Town Administrator pursuant to Section 5 of this Bylaw.

(k) *Changes to Compensation Schedules*

Requests by appointing authorities, department heads, individuals or groups of individuals for changes to the Wage & Personnel Classification Plan shall be filed with the Town Administrator, with a copy to the Committee, in accordance with Section 8 of this Bylaw.

(l) *Overtime*

When required by their department head to work beyond their normal work week, non-exempt employees will

bepaid at their regular rate of pay for time worked up to 40 hours and at time and one-half their regular rate of pay for time worked in excess of 40 hours, in accordance with the U.S. Fair Labor Standards Act.

Section 7.
Sample Schedule – Classification and Rates of Compensation

The Wage & Personnel Classification Plan below reflects that approved by Annual Town Meeting on May 12, 2021. It became effective July 1, 2021 for Fiscal Year 2022 and is subject to change only upon the vote of the Annual Town Meeting, following recommendations of the Town Administrator as the party responsible for the Plan, recommendations to the Town Administrator provided by the Wage Advisory Committee including their annual review of the rates of pay, and any other recommendations provided to the Town Administrator as provided in Section 8 of this Bylaw.

Wage & Personnel Classification Plan for Fiscal Year 2022

	Position	2021 Bottom Salary Range	2021 Top Salary Range	Proposed Bottom Range 2022	Proposed Top Range 2022
	Fire Department				
*	Firefighter/Paramedic				
	Full Time Lieutenant FF/Paramedic	\$53,250.00	\$69,000.00	\$53,942.25	\$69,897.00
	Full Time FF/Paramedic	\$51,000.00	\$66,500.00	\$51,663.00	\$67,364.50
	Part Time FF/Paramedic	\$19.24	\$25.12	\$19.49	\$25.25
*	Paramedic				

	Full Time Captain/Paramedic	\$55,000.00	\$71,500.00	\$55,715.00	\$72,429.50
	Part Time Captain/Paramedic	\$21.50	\$28.00	\$21.78	\$28.36
	Lieutenant/Paramedic	\$20.60	\$26.75	\$20.87	\$27.10
	Paramedic Call		\$20.25		\$20.51
*	EMT				
	Full Time Captain/EMT	\$50,000.00	\$65,000.00	\$50,650.00	\$65,845.00
	Part Time Captain/EMT	\$18.00	\$27.00	\$19.00	\$27.00
	Lieutenant/EMT	\$21.00	\$27.25	\$21.27	\$27.60
	Firefighter/EMT	\$16.50	\$21.50	\$16.71	\$21.78
	EMT Call		\$17.57		\$17.80
*	Firefighter				
	Firefighter	\$16.50	\$21.50	\$16.71	\$21.78

Highway Department					
	Highway Superintendent	\$67,525.00	\$88,100.00	\$68,402.83	\$89,245.30
	Working Foreman	\$23.00	\$30.00	\$23.30	\$30.39
	Motor Equip. Repairman	\$22.50	\$29.25	\$22.79	\$29.63
	Equipment Operator	\$21.00	\$27.25	\$21.27	\$27.60
	Truck Driver/Laborer	\$20.70	\$27.00	\$20.97	\$27.35
Clerical/Election Workers					
	Senior Clerk/Warden	\$14.00	\$18.25	\$14.18	\$18.49
	Constable	\$14.00	\$18.25	\$14.18	\$18.49
Elder Affairs					
	Director Elder Affairs	\$7,000.00	\$9,100.00	\$17,000.00	\$22,100.00
	Senior Aide	\$23,800.00	\$31,000.00	\$24,109.40	\$31,403.00
Library					
	Library Director	\$50,000.00	\$65,000.00	\$50,650.00	\$65,845.00
	Senior Library Technician	\$20.25	\$26.25	\$20.51	\$26.59
	Circulation Assistant	\$15.00	\$19.50	\$15.20	\$19.75
Police Other					
	Special Police Officer		\$19.83		\$20.09
	Police Matron		\$18.69		\$18.93

Professional					
	Land Use Coordinator	\$22.25	\$29.00	\$22.54	\$29.38
	Assist. Assessor	\$30.00	\$39.00	\$30.39	\$39.51
	Administrative Assessor			\$21.48	\$27.86
	Health Agent	\$37.00	\$48.00	\$37.48	\$48.62
	Conservation Agent	\$30.00	\$50.00	\$30.39	\$50.65
Town Hall Support					
	Asst. Town Accountant	\$21.20	\$27.50	\$21.48	\$27.86
	Asst. Town Clerk	\$21.20	\$27.50	\$21.48	\$27.86
	Asst. Treasurer/Collector	\$21.20	\$27.50	\$21.48	\$27.86
	Administrative Assistant	\$20.70	\$27.00	\$20.97	\$27.35
	Senior Clerk	\$18.10	\$23.50	\$18.34	\$23.81
	Clerk	\$14.00	\$18.25	\$14.18	\$18.49

Town Labor					
	Sr. Disposal Attendant	\$18.50	\$24.00	\$18.74	\$24.31
	Disposal Attendant	\$17.25	\$22.50	\$17.47	\$22.79
	Town Custodian	\$16.90	\$22.00	\$17.12	\$22.29
	Laborer	\$16.90	\$22.00	\$17.12	\$22.29
Veteran Affairs					
	Veterans Agent (Stipend)		\$8,905.24		\$9,021.01

Section 8. Amendment of the Bylaw

- (a) This Wage and Personnel Bylaw may be amended only by vote of a Town Meeting. Requests for such amendments with all supporting documentation and in final form shall be made to the Town of Administrator in writing prior to the closing of the Annual and/or Special Town Meeting Warrant(s).
- (b) The Town Administrator may, from time to time on his/her own initiative, hold a hearing to consider any amendment to the Bylaw.
- (c) Prior to a Town Meeting, the Town Administrator shall file in a timely manner with the Finance Committee and with the Selectmen his or her recommendations as to all proposed amendments. Additionally, the Town Administrator shall file with the Selectmen, for insertion in the warrant, an article sufficiently stated to permit the Town to act.
- (d) Any proposed amendment to the Wage and Personnel Bylaw cannot be presented at Town Meeting without its having been submitted to the Town Administrator within the prescribed time limit.

Section 9. Paid Holidays

The following Massachusetts legal holidays will be observed as paid non-working days for all permanent full-time employees. Permanent part time employees working an average of twenty hours per week will receive four (4) hours per holiday, or the number of hours normally worked on that per holiday.

New Year's Day
Patriot's Day
Independence Day
Veterans' Day

Martin Luther King Day
Memorial Day
Labor Day
Thanksgiving Day

Presidents' Day
Juneteenth
Columbus Day
Christmas Day

Section 10. Vacation Leave

At the start of the fiscal year (July 1), permanent full-time employees and benefits-eligible part-time employees who are working a minimum average of twenty (20) hours per week shall be granted paid vacation leave on July 1 each year, as follows:

Continuous Service	Paid Vacation Leave
at least 6 months, but less than 1 year	5 days (1 week)
at least 1 year, but less than 2 years	5 days (1 week)
at least 2 years, but less than 5 years	10 days (2 weeks)
at least 5 years, but less than 15 years	15 days (3 weeks)
at least 15 years	20 days (4 weeks)

Paid vacation leave is granted on a fiscal year basis (on July 1, each year) and shall be taken between July 1 and June 30. Vacation time shall not accumulate and carry over from (fiscal) year to year.

*The vacation numbers are based on a five-day workweek. Employees will receive their weekly vacation allotments based upon how many days per week they typically work. (i.e., if an employee who typically works three days per week is entitled to three weeks of vacation, they would receive a total of nine vacation days.)

All employees shall schedule vacations so as to cause minimal interference with the performance of the regular work of the Town and shall provide at least one weeks' notice to their Department Head (or in the case of a Department Head, notice to the Town Administrator) of plans to use more than three (3) consecutive days, to the extent practical. In unusual circumstances, an exception may be granted to the provisions of this Section by the Department Head with the approval of the Town Administrator.

Section 11. Sick Leave

- (a) Full-time employees shall be granted 1.25 sick days for each month worked, and benefit-eligible part-time employees shall be granted a proportionate amount thereof in the ratio that their part-time employment bears to full-time employment, provided that such leave is caused by sickness or injury.
- (b) Full-time and benefit-eligible part-time employees shall be credited with the unused portion of leave granted under subsection (a) without limit which may be accumulated as additional sick leave benefits.
- (c) Sick leave must be authorized by the department head and must be reported on forms as provided. These records will be maintained by the Town Treasurer for the Town Administrator's and Town Treasurer's use.
- (d) A physician's certificate may be required by the department head or Town Administrator in ascertaining the validity of a request for sick leave or determining fitness to return to duty.
- (e) Payments under the provisions of this section to an employee who is receiving Workers' Compensation payments shall be limited to the difference between the amount paid in Workers' Compensation and the employee's regular base pay.
- (f) Unused sick leave shall be credited and shall accumulate from year to year up to fifty (50) days. Unused sick leave is not eligible for payout in the event of an employee's separation from the Town for any reason.

Section 12. Other Leave

(a) *Bereavement Leave*

In the event of the death of an employee's spouse, child, mother, father, step mother, step father, mother-in-law, father-in-law or sibling, the employee shall be granted paid bereavement leave of up to five (5) business days. For sister-in-law, brother-in-law, grandparents, grandchildren, aunts or uncles, the employee shall be granted paid bereavement leave of up to three (3) business days. For other family members and/or in the case of unusual circumstances, time off may be granted at the discretion of the employee's Department Head, with approval of the Town Administrator and Board of Selectmen.

(b) *Military Leave*

Military leave of absence shall be granted to employees called under orders for duty with the state or federal armed forces in accordance with all applicable state and federal laws.

(c) *Civic Duty Leave*

All employees shall be granted leave when called for jury duty or under summons to appear as witnesses on behalf of the Commonwealth, city or town of the commonwealth or the federal government. Full-time and benefit-eligible part-time employees will be paid by the Town during the period required for court service the difference between the amount paid them by the court, excluding travel/expense allowance, and the amount of regular straight-time pay which would normally be received from the Town, upon presentation of the check or other proper evidence of monies received from the court.

(d) *Family and Medical Leave*

1. The FMLA allows eligible employees up to twelve (12) weeks of unpaid leave, and in limited cases up to twenty-six (26) weeks of unpaid leave¹ ("FMLA Leave") per year, under the circumstances outlined below. Employees may take leave for the following reasons:

- birth of the employee's child or placement of a child with the employee through adoption or foster care;
- the employee is needed to care for a child, spouse, or parent who has a serious health condition; or
- the employee is unable to perform the functions of his or her position because of a serious health condition; or
- military service-related leaves.
 - a. Leave for Exigent Circumstances: leave when an employee has a close family member (spouse, son, daughter or parent) who is called to covered active military duty for "any qualifying exigency"; the leave must be for nondomestic military service and applies equally to the families of active-duty military and reservists (when called to active duty)
 - b. Leave to Care for a Covered Servicemember: leave for an employee to care for a close family member in military service, who is seriously injured or ill as a result of such military service (up to twenty-six (26) weeks of leave).

The terms "serious health condition" and "seriously injured or ill" are defined by law and generally refer to in-patient care, and in some instances out-patient care, by a medical provider.

¹ Twenty-six weeks of leave is available only to employees who are eligible for such leave to care for a covered servicemember who is seriously injured or ill as a result of certain military service, as defined by the FMLA.

2. Use of Paid Leave

Employees are required to use certain types of accrued or available paid leave first, as part of the total FMLA leave, before commencing the unpaid portion of the leave. Employees who take leave because of the birth, or placement of a child must first use all accrued vacation and personal time. Employees who take leave because of their own serious illness or to care of a spouse, parent or child, or who take leave to care for a covered servicemember or leave for exigent circumstances, must use all accrued vacation, personal and sick time.

3. Eligibility

To be eligible for FMLA leave under this policy, an employee must have been employed by the Town for at least twelve months, and must have worked at least 1250 hours during the twelve month period preceding the commencement of the leave, provided that at the time leave is requested, the employee either: (a) works at a site where the Town employs fifty or more employees; or (b) works at a worksite where the Town employs less than fifty employees if fifty or more employees are employed by the Town within a seventy-five mile radius of the worksite.

4. Conditions

- a. *Length of Leave.* In most instances, employees may take no more than twelve weeks (or up to twenty-six weeks to care for a covered servicemember) of FMLA leave in a twelve-month period. The twelve-month period is defined as the fiscal year (July 1 through June 30). If both spouses are employed by the Town, they are together entitled to a total of twelve weeks of leave for the birth or placement of a child or care of a sick parent.

An employee eligible to take leave to care for a covered servicemember may not take more than twenty-six weeks of leave in any twelve-month period, in total, regardless of the reason for the leave. Moreover, unlike other forms of leave (as discussed in the preceding paragraph), leave to care for a covered servicemember starts as of the date the employee first takes leave.

- b. *Notice.* Employees wishing to take FMLA leave must give 30 days' notice of foreseeable events. If the event giving rise to the need for leave is not foreseeable, then the employee must give such notice as is practicable under the circumstances. Employees must schedule planned medical treatments with due regard for the Town's operational needs.

5. Certification

Employees requesting FMLA Leave must provide medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, parent, or covered servicemember. The medical certification must set forth: the date on which the serious health condition, or serious illness or injury, in the case of a covered servicemember, commenced; the probable duration of the condition; and, the appropriate medical facts within the knowledge of the health care provider regarding the condition. Periodic re-certifications may be required, as permitted by law. In some limited circumstances, the Town may require a second medical opinion, at its own expense.

6. Reduced Schedule Leave

If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, or the serious illness or injury of a covered servicemember, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, the Town may require the employee to transfer temporarily to a position, with equivalent compensation, which better accommodates recurring periods of absence or a part-time schedule.

7. Benefits

- a. *Health Coverage.* Employees on leave are entitled to the continuance of group health coverage under the same conditions they received coverage prior to the leave. Employees who contribute to their health insurance premiums via payroll deduction must arrange to pay the premium contributions during the period of unpaid absence, if they wish to retain coverage. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the Town may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control.
- b. *Other Benefits.* Benefits based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence. Employees do not accrue sick, vacation or personal time while on unpaid leave.

8. Return to Work

Employees returning from FMLA Leave in accordance with this policy will be restored to their original positions, or to equivalent positions with equivalent pay and benefits. Employees should contact the personnel department and their supervisors at least two weeks before their return date to make arrangements.

(e) *Authorized Unpaid Leave of Absence*

At the discretion of the department head, full-time and benefit-eligible part-time employees may be permitted an unpaid leave of absence of up to two weeks duration, upon submission of a written request stating the reason for and length of the absence. Leaves of absence for greater than two weeks duration must be approved by the Town Administrator. Continued employment in Town service may not be guaranteed to an employee after more than thirty (30) days of authorized, unpaid leave of absence.

Section 13. Personnel Appeals

- (a) The Town Administrator of the Town shall serve as the Personnel Relations Review Board of the Town, and in that role shall have the powers and duties, and perform the functions assigned to such Personnel Relations Review Board by M.G.L. Chapter 40, Section 21B.
- (b) There shall be a personnel appeal procedure available to those employees of the Town whose rights under the classification plan, have, in their opinion, been prejudiced except those that would properly be heard under the jurisdiction of the Civil Service Commission or other duly established appeal board. For the purposes of this section, personnel appeal shall refer to a dispute between an employee and his/her supervisor arising from an exercise of administrative discretion by the supervisor regarding a matter covered by this Bylaw.

Section 14. Miscellaneous Provisions

- (a) In addition to the benefits described above, full-time and benefit-eligible part-time employees working at least 20 hours per week are eligible for group health and dental insurance and all employees are eligible for retirement, life insurance and such other benefit programs as have been or as may be authorized by vote at a Town Meeting. Details are available upon request at the Treasurer's Office.

- (b) Upon the death of an employee, his/her estate will be paid the amount, if any, to which the employee would have been entitled but for his death.
- (c) Employees separated from the Town's employment who subsequently return to employment with the Town may have their earlier period of service recognized, provided they return to employment within one year of the separation date.
- (d) Any question of application or interpretation of provisions of this Bylaw shall be referred to the Town Administrator and the Wage Advisory Committee for clarification and the Town Administrator's determination.
- (e) Words imparting the singular may extend and be applied to several; words imparting the masculine gender shall include any gender identity.
- (f) The invalidity of any section of this Bylaw shall not invalidate any other section or provision thereof.
- (g) Nothing in any section of this Bylaw shall be construed to conflict with any section of any chapter of the M.G.L. or with any federal statute or regulation.