



PERSONNEL BY-LAW



2018

TOWN OF UPTON

Office of the Town Manager

Personnel Board



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Section 1. Purpose and Authorization

The purpose of the personnel bylaw is to establish fair and equitable personnel policies and to promote a system of personnel administration that ensures a uniform, fair and efficient application of personnel policies. This bylaw 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. This bylaw supersedes any and all bylaws previously adopted by the Town pursuant to General Laws, Chapter 40, Section 21B and/or Chapter 41, Sections 108A and 108C. Classification and compensation plan in effect at the time of adoption of this bylaw shall continue in full force and effect until amended or superseded pursuant to **Section 6** of this bylaw.

Section 2. Application

All Town departments, employees, and positions shall be subject to the provisions of this bylaw, except employees with personal contracts. To the extent that any Town employee is subject to a collective bargaining agreement or personal employment agreement in the event of a conflict and/or an inconsistency between said agreement and this Bylaw, then said agreement shall prevail.

Section 3. Town Manager

The Town Manager's role is defined pursuant to Chapter 391 of the Acts of 2008.

Section 4. Personnel Board

Composition, Mode of Selection, Term of Office, Qualifications

The Board shall consist of five (5) members appointed by the Board of Selectmen for three-year terms. Elected officials or employees of the Town shall not be eligible to be appointed to the Personnel Board. As originally constituted, one member shall be appointed for a term of one year, two members shall be appointed for a term of two years, and two members shall be appointed for a term of three years. Thereafter one or two members shall be appointed for terms of three years, so as to maintain five members. Members may be reappointed for an indefinite number of terms.

All members shall be registered voters and residents of the Town during their appointment.

Any vacancy occurring during a member's term of office shall be filled by the Board of Selectmen for the remainder of the original appointment.

Any member appointed shall not be a compensated employee of the Town in any status during the term of their appointment.

When membership of the Personnel Board is less than three members, the Board of Selectmen may appoint the Town Manager or other Alternate Members to the Personnel Board who may serve temporarily in the absence of a regular member.

Organization

The Board shall elect its own officers, who shall consist of a Chair and a Vice Chair.

Meetings shall be held at least quarterly, but may be called by the Chair at any time the need arises. Meetings may also be held upon the request of an employee, or their representative, in writing.

Three (3) members shall constitute a quorum for the transaction of business of the Committee.

Meetings shall be conducted in compliance with the provisions of GL c 30A section 21(a).

Powers and Duties

The Board shall be responsible for formulating recommendations and reviewing the classification and compensation plans, which shall be subject to such approval as required by law. The Personnel Board shall also evaluate classification of positions, including requests for reclassification, regardless of funding source and a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices.

Section 5. Personnel Policy and Procedure Manual

A personnel policy shall be established by promulgation of policies pursuant to section 6. The personnel policy shall make use of current concepts of personnel management and may include, but not be limited to, the following elements:

Method of Administration

A policy of administration which assigns specific responsibility for all elements of the personnel policy, 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 policy.

Classification Plan

Based on similarity of duties and responsibilities; a classification plan for all employee positions shall be subject to this Bylaw. 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. Nothing in the classification plan shall infringe upon or supersede an appointing authority's ability to hire an employee into a newly created position, provided that the Town Manager and Personnel Board are first consulted regarding an appropriate starting salary and the Town Manager and Board of Selectmen approve the same. As part of its regular review, the Personnel Board shall seek to update the Classification and Compensation Plans to include any new positions that were added during the prior year.

Compensation Plan

A compensation plan for all positions subject to this bylaw shall consist of:

1. A schedule of pay grades including minimum, maximum and intermediate rates for each grade; and
2. An official list indicating the assignment of each position to specific pay grades.

A Recruitment and Selection Policy

A recruitment and selection policy shall be defined.

Personnel Records

A centralized recordkeeping system which maintains essential personnel records.

Personnel Policies

A series of personnel policies which establishes the rights, the benefits to which certain personnel employed by the Town are entitled, and the obligations of said employees to the Town.

Other Elements

Other elements of a personnel policy as deemed appropriate or required by law.

Section 6. Adoption and Amendment of Personnel Policies

The Board of Selectmen shall adopt personnel policies defining the rights, benefits and obligations of employees' subject to this bylaw. Policies shall be adopted or amended as follows:

Preparation of Policies

Any member of the Board of Selectmen, Personnel Board, the Town Manager, or Elected Board may suggest policies for consideration. The Town Manager shall refer such suggested policies to the Personnel Board, which the Board need not consider any proposal already considered in the preceding twelve months. Any member of the Board of Selectmen, Personnel Board, the Town Manager, or Elected Board proposing a new or amended policy shall provide the substance and the reason for the proposed policy in writing. The Personnel Board shall hold a public meeting on any proposed policies or amendments. The Town Manager or designee and the Personnel Board shall, at their next scheduled meeting, consider the proposed policies and recommend that the Board of Selectmen adopt the policies, with or without modifications, reject the policies, or indicate that further study is necessary.

Recommended Policies

The recommendations of the Town Manager or designee and Personnel Board shall be forwarded in writing to the Board of Selectmen by the Personnel Board through the Town Manager. The recommendations shall contain the text of the proposed policy or amended policy, an explanation of the policy and the implications of the policy, and the action(s) thereon recommended by the Town Manager and the Personnel Board. The Board of Selectmen shall consider recommendations of the Town Manager or designee and Personnel Board; and may adopt, reject or return recommendations for further action. The Board of Selectmen need only act on proposed policies recommended for adoption. Policies shall become effective upon approval of the Board of Selectmen, unless some other date is specified. Adopted policies, including the Compensation Plan, shall be kept on file in the office of the Town Clerk.

Section 7. Severability

The provisions of this bylaw and any policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provisions of the bylaw or regulations shall not be affected thereby.

*Accepted by the Personnel Board at their meeting on September 25, 2018
Reviewed by Town Counsel, October 4, 2018
Special Town Meeting, November 13, 2018*