Chapter 13 Personnel Bylaws

CHAPTER 13
Wage and Salary Determination and Personnel Administration

Section I. Enabling Laws
By virtue of authority established under General Laws, Chapter 41, Section 108A and 108C as amended, and all other acts thereto enabling, there is hereby established a plan pertaining to wage and salary determination and personnel administration of the Town to be known as the Personnel Administration Plan, and sometimes hereinafter referred to in this Chapter as the "Plan."

Section II. Application Coverage
All Town departments and positions in the Town service for which compensation is paid (whether full-time, part-time, seasonal, casual, special, Civil Service or others) shall be considered as being within the scope of coverage unless otherwise stated, and shall be subject to, and have the benefits of this Chapter with the following exceptions and/or limitations:

A. In conformance with Chapter 41, Section 108, of the General Laws, as amended, salaries paid to elected Town Officials shall be established annually by vote of the Town. The Personnel Board shall, however, maintain the required records to properly evaluate the worth of such service, and on request, shall make recommendations as to equitable salaries for these positions.

B. Positions under the direction and control of the School Committee in conformance with Chapter 41, Section 108A, of the General Laws, as amended, shall not be included unless such inclusion shall be at the specific request of the School Committee.

C. Youth Department
1. A Town Youth Department is hereby established.
2. The head of the Youth Department shall be the Youth Coordinator who shall be appointed annually by the Board of Selectmen.

D. Town Office and Library Buildings Department
1. A Town Office and Library Buildings Department is hereby established.
2. The head of the Town Office and Library Buildings Department shall be the Superintendent of the Town Office and Library Buildings who shall be appointed annually by the Board of Selectmen.

Section III. Administration (General)
A. Personnel Board
1. Appointment Procedure
   There shall be a Personnel Board, consisting of five (5) unpaid members, each of whom shall be appointed by the Moderator for a term of five (5) years, beginning the first day of June in the year of appointment. Terms of service shall be so arranged that the term of one (1) member expires each year. Every member shall serve until his successor has been appointed. There shall be a Chairman of the Board, designated by the Moderator each year and he shall hold office for one (1) year beginning on the first day of June and until his successor is appointed. Vacancies in the membership of the Board shall be filled by the Moderator to cover the unexpired term of the vacated member. In the event of a vacancy in the office of Chairman, the members of the Board shall elect a Chairman to serve until the next first of June.
2. Board Membership
No Board members shall be in a paid service of the Town, either elected, appointed or hired.

B. General Administration Authority of Personnel Board

The Personnel Board shall administer the provisions of this Chapter and shall determine all questions arising thereunder. The Personnel Board shall, from time to time, establish rules for the administration of the Plan and the conduct of its affairs not inconsistent with this Chapter, and may at any time amend or revoke the same. Such rules shall include specifications for minimum requirements of very classified position and no person shall be employed by the Town, unless in the opinion of the Personnel Board, such person meets said requirements. A majority of the Board shall constitute a quorum. Within its appropriation the Personnel Board may employ such personnel and incur such expenses as it deems necessary. The Personnel Board shall from time to time review the work of all positions covered by the Plan and the salary schedules provided in the Plan.

The plan shall not be amended except at Annual Town Meetings, but the Personnel Board may add positions, abolish positions, or reclassify positions in the Plan, and so far as permitted by law, change salary rates, all such action to be effective until the final adjournment of the next Annual Town Meeting.

The Personnel Board shall make an annual report in writing to the Town on or before July first of each year.

C. Records and Information

The Personnel Board shall maintain adequate records, including detailed Personnel records of all employees. Each department, committee and board of the Town shall, in accordance with procedures prescribed by the Personnel Board, furnish the Board with all facts, figures and other information pertaining to the employees of the Town under their respective jurisdiction, as the Personnel Board shall require.

Section IV. Wage and Salary Determination

A. The Plan

A classification and compensation plan utilizing clearly defined formal evaluation procedures and a consideration of general current wage levels, as a basis for determining equitable rates of compensation is hereby established. The Plan requires the maintenance, on a certain basis, of accurate and detailed descriptions of job or position requirements, the proper evaluation of same through the use of job and Staff Evaluation provided herewith and their classification into job and salary grades.

B. Current Classifications and Compensation Values

All positions are hereby classified into groups or grades which represent substantially similar over-all requirements, as evaluated, in accordance with the classification and compensation plan procedures indicated in Section IV- A above. These values are contained in Salary and Job Schedules attached hereto and made a part hereof. These schedules include minimum and maximum wage and salary rates, with intermediate step-rate increases, and reflect the value of specific services as currently performed and in accordance with detailed descriptions contained in supporting records. It shall not be a requirement to include the current schedule of weekly employee pay rates in a warrant article which seeks to amend the Salary Schedule of the Personnel Board Pay Plan.

C. Installing the Plan

No present employee’s wage or salary or paid vacation shall be reduced as a result of the installation of this Plan. Any existing rates of present employees above the maximum shall become Personal Rates and shall apply only to the present incumbent. Such rates are not subject to general increases until such time as these rates conform to the Grade Value as currently indicated in the Compensation Plan. When the incumbent leaves the employ of the Town, or is transferred to another position which carries a higher rate than his Personal Rate, or voluntarily changes to another position, the Personal Rate shall disappear. No other employee assigned to or hired for the position shall advance beyond the maximum of the job.

D. Operating the Plan

1. Job and Position Descriptions

The Personnel Board shall maintain up-to-date descriptions for each job or position in the Plan, describing the specific duties, requirements and characteristics of each, in sufficient detail as to make available the necessary information to insure a fair evaluation and/or re-evaluation. These descriptions shall not be interpreted as being a complete or limiting definition of job requirements and it is expected that the employee will perform any duties assigned by those delegated to supervisory functions.

2. Job and Position Evaluation and Re-evaluation
As new jobs or positions are added to the Plan, or as changes take place in the specific requirements of those already evaluated, they shall be evaluated in accordance with the established procedures to determine the grade or change in grade, if any, resulting from such evaluation.

3. Changes of Grade
An employee advancing to a higher grade shall start at the lowest step in the new grade which does not reduce his compensation, provided, however, that the Personnel Board may start such employee in a higher step than prescribed when it concurs with the opinion of the Department Head that special circumstances warrant such action.

4. Step Rate Advances:
Employees may be advanced by merit increases within their salary grade, one step each year as of July first, until the maximum is reached. A new employee may be eligible to advance on July first to the next higher step of his grade if he has been in continuous town employment for at least three (3) months. If the employee has not been so employed for at least three (3) months, the employee shall not be eligible for advancement until the second July first after employment. Every increase shall be made on the basis of merit only, upon the recommendation of the Department Head and with the approval of the Personnel Board. Where differences may exist, the employee may be granted a hearing for the purpose of receiving a clarification of the basis on decision in this area.

5. Classification of New Employees
The Personnel Board shall be notified of all requisitions for persons to fill positions or perform duties, subject to the compensation plan and shall advise upon the appropriate classification to which such person shall be assigned. No new employees shall start work, receive wages or receive compensation in any form without the prior approval of the Personnel Board, or, for seasonal employees without the prior approval of the Chairman of the Personnel Board. Persons who have resided in the Town for one year immediately prior to the date of the filing of the requisitions to fill a position shall be granted a preference to be hired for said position ahead of persons who have not so resided. The Personnel Board may waive this requirement in any case where the appointing authority furnishes written reasons which the Board deems sufficient.

6. Hours of Employment
The base used in establishing each evaluated rate of compensation is the hour. Normal hours of employment are thus made a part of the salary and job grade schedules attached hereto. Deviation from these normal hours after forty hours/week, with the exception of the Fire Department whose normal work week is forty-two hours, becomes the basis for overtime consideration, except as otherwise stated. It is to be assumed that all work hour schedules will be determined with a consideration of all laws affecting hours of employment. For services rendered beyond forty hours in any one week, or forty-two hours in the case of the Fire Department, overtime may be paid up to one and one-half times the regular rate of pay, time off equal to the overtime served may be granted, or such extra pay and time off may be combined to compensate for the overtime hours. The payment of overtime to Heads of departments and other employees will be determined under federal and state wage and hour laws.

All offices of the Town shall be open continuously for the transaction of business between 8:30 a.m. and 5:00 p.m. on every day except Saturdays, Sundays, legal holidays and days observed as legal holidays. The Personnel Board shall have the authority to allow a work schedule for individual employees which provides for work between hours other than 8:30 a.m. to 5:00 p.m., provided that the Personnel Board determines that such a schedule is in the best interests of the Town of Milton.

7. The Personnel Board shall establish policies and procedures governing fringe benefits to be granted to employees who are covered by this Chapter, including without limitation paid holidays, vacations, sick leave, paid leave for jury duty or for military duty, retirement, extra compensation for extended service, bereavement leave, accumulated sick leave, personal days and maternity-adoptive leave. Such fringe benefits shall comply with applicable requirements of federal law and Massachusetts law. The Personnel Board shall maintain written records of all fringe benefit policies and procedures.

Section V. Miscellaneous General Provisions and Policies

A. The number of persons employed by the Town temporarily or otherwise shall not be increased without the approval of the Personnel Board.

B. No head of Department receiving compensation from the Town shall at any time engage in private work which has or could have any relation to Town affairs.
C. Employees shall not receive compensation by way of salaries, wages or fees from more than one department, Board of Committee unless otherwise provided for in this Plan, or unless such compensation is approved by the Personnel Board.

D. Provisions in this Chapter requiring or authorizing payments of compensation are in every case subject to appropriations being made, from time to time, by Town Meetings unless such payments are otherwise authorized by law.

E. If any provision of this Plan shall conflict with any Civil Service Law or any other law presently or hereinafter in force, such a provision of this Plan shall be deemed modified, but only to the extent required to conform to law.

F. The invalidity of any section or provision of this Chapter shall not invalidate any other section or provision thereof.

G. All Personnel Bylaws referring to regular part-time employees' proportionate benefits will be calculated based on the number of part-time hours worked per week as compared to the number of full-time hours worked per week within the same position classification.

Section VI. Grievance Procedure

There shall be a grievance procedure available to those employees of the Town whose positions were removed from Civil Service under Article 12 of the Warrant of the 1978 Annual Town Meeting. As used in this section, the word "grievance" shall be construed to mean a dispute between an employee and his supervisor concerning discharge, removal, suspension, layoff, transfer, or reduction in compensation or rank. Only employees who have completed a six month probationary period shall be eligible to file a grievance.

Step I. The employee shall take up his grievance orally with his immediate supervisor who shall reach a decision and communicate it orally to the employee within three (3) working days from the date on which the incident giving rise to the grievance has occurred.

Step II. If the grievance is not settled at Step I, the employee shall within five (5) working days thereafter present his grievance in writing to his supervisor who shall forward it to the department head who shall hold a hearing within five (5) working days. Within five (5) working days of the hearing the department head shall render his decision in writing to the employee.

Step III. If the grievance is not settled at Step II in those cases where the department involved is under the jurisdiction of a Board or Commission, the grievance shall be reviewed by said Board of Commission. Within ten (10) working days of the hearing, the Board of Commission shall render its decision in writing to the employee.

Step IV. If the grievance is not settled at Step III, all records and facts in the case shall be referred to the Personnel Board for adjudication. If the Personnel Board finds that the action of the supervisor was justified, such action shall be affirmed, otherwise the action relating to the employee may be reversed and/or modified and the grievant may be returned to his position with or without loss of compensation. Within ten (10) working days of the hearing the employee shall be notified in writing through the department head as to the decision of the Personnel Board which shall be final.

This Bylaw shall take effect upon the enactment of the aforementioned legislation.

The foregoing Chapter 13 entitled "Personnel Administration" was first added to the General Bylaws as voted under Article 8 of the warrant of the 1956 Annual Town Meeting.