

CHAPTER 1

PURPOSE AND POLICIES

- 1-1 PURPOSE – The purpose of this Personnel By-Law is to assure the establishment and maintenance of an equitable personnel system within the Town of Sharon. The policies and procedures for personnel administration set forth herein have, as their purpose, to promote the efficiency and economy of Town government: to promote the morale and well being of Town employees; to promote equal employment opportunity for all candidates for employment by the Town and for all its employees.
- 1-2 POLICY – This Personnel By-Law is based on the following principles:
- a) providing fair and equitable compensation for Town employees;
 - b) classifying and identifying positions that are similar in respect to other duties and responsibilities;
 - c) providing adequate wages, salaries and supplementary benefits; and
 - d) providing appropriate rules and regulations for personnel practices.
- 1-3 EQUAL EMPLOYMENT OPPORTUNITY – The town has adopted a comprehensive Affirmative Action Program. Discrimination against any person in recruitment, examination, appointment, training promotion, retention or any other personnel action because of political affiliation, race, creed, color, national origin, age, sex, handicap or other non-merit factor will be prohibited except where such factor is a bona fide occupational requirement. Discrimination complaints will be handled as provided in the Affirmative Action Program.
- 1-4 COVERAGE – The Personnel By-Law shall govern all positions in the Town of Sharon excepting elected officials and employees appointed by the School Committee, provided that:
- a) Chapter 7 in its entirety shall not apply to employees covered by a collective bargaining agreement, and
 - b) if the provisions of any other chapter conflict with the provisions of a collective bargaining agreement shall apply to employees covered by this agreement.
- 1-5 ADMINISTRATION – The Personnel Board shall administer the provisions of this By-Law otherwise provided herein: and shall make final and binding

determinations with respect to the Classification Plan, Pay Plan, and supplementary benefits as approved by Town Meeting action.

- 1-6 PERSONNEL MANAGER – The Executive Secretary shall function as the administrative representative of the Personnel Board and liaison to the Board of Selectmen. Except as otherwise authorized by this By-Law, this provision shall not confer jurisdiction to the Executive Secretary over other appointive authorities or their functions or to restrict the right of any department head or employee to seek the opinion of the Personnel Board with respect to the Personnel By-Law, as to which the findings of the Personnel Board shall be final.

The Executive Secretary acting as Personnel Manager shall:

- a) Administer the rules and regulations of the Personnel Board and the provisions of the Personnel By-Law with authority to interpret same, but not to overrule, rescind or amend these provisions;
- b) Report to the Personnel Board in writing all interpretations issued in areas where the By-Law is deemed to be unclear;
- c) Oversee and evaluate recruitment/hiring procedures in accordance with the Affirmative Action Program;
- d) Serve as grievance advisor at the request of either an employee or supervisor to attempt to informally resolve employment disputes prior to the invocation of the formal grievance procedures of this By-Law;
- e) Approve temporary or interim hires as follows:
 - 1) The Executive Secretary is authorized to approve, upon request from a department head, hires on a temporary/interim basis for a single period not to exceed ninety days;
 - 2) Institution of this procedure shall occur for replacement of employees on vacation/sick leave status or other approved leave when, in the judgement of the department head and with concurrence of the Executive Secretary, such action is warranted;
 - 3) In the case of emergency or extraordinary circumstances, in the judgement of the Executive Secretary, the Executive Secretary is authorized to approve the employment of persons for a single period of employment not to exceed thirty days duration. The Executive Secretary shall advise the Personnel Board of such action as soon as practicable; and
 - 4) In the exercise of E-1, E-2 and E-3 above, the Executive Secretary will determine the appropriate classification/step level assignment in consideration of the best interest of the town, exigent circumstances, and qualifications of candidates. If the Executive Secretary concludes that the hire should be employed at a rate above the first classification/step level, a written commentary addressing the rationale for this recommendation will be forwarded to the Personnel Board in a timely manner.

CHAPTER 2

PERSONNEL BOARD

- 2-1. ESTABLISHMENT OF A PERSONNEL BOARD – There is hereby established a Personnel Board consisting of five members to be appointed by the Town Moderator. Each member shall serve for a term of three years. A Board member may be re-appointed. Current appointees shall continue to hold their offices until the appointment of their successors. If any member of the Personnel Board shall resign or otherwise vacate his/her office before the expiration of his/her term, a successor shall be appointed by the Town Moderator to serve for the balance of the unexpired term.
- 2-2. QUALIFICATIONS OF BOARD MEMBERS – In making appointments to the Personnel Board, the Town Moderator shall give consideration to the personnel qualifications of those citizens who will best meet the responsibilities of the Board in representing the Town and its employees. If possible, the make-up of the Board shall consist of members who are familiar with the principles and practices of personnel administration. Board members must be registered voters of the Town. One member of the Board may be an employee on a job or position subject to the provisions of this By-Law.
- 2-3. CHAIRMAN – The Personnel Board shall annually elect a chairman and vice-chairman. In the absence or incapacity of the chairman, the vice-chairman shall serve as chairman. The Board shall keep a record of its official proceedings and actions, may establish its own rules of procedure and may, subject to appropriation therefor, retain such clerical and other assistance and make such other expenditures as necessary for the performance of its duties.
- 2-4. QUORUM – Three members shall constitute a quorum for the transaction of the business of the Board and a majority of the members present shall be necessary for any official act of the Board.
- The Town shall furnish the Board with such office space as it may require for the performance of its duties and the storage of its property. Upon application of the Board, the Town shall provide the Board with an adequate place for the holding of public hearings.
- 2-5. BARGAINING COMMITTEE ADVISOR - A representative of the Personnel Board may serve as an advisor to the Town's management negotiating committees in collective bargaining negotiations with union officials.
- 2-6. POWERS AND DUTIES OF THE BOARD – The Personnel Board shall administer this By-Law, except as provided herein and is authorized to take any personnel action consistent with its administrative responsibilities, provided that

any change in the provisions of this By-Law be submitted to the next annual Town Meeting in the form of a proposed amendment.

Except as provided in Sections 1-6 E and F, no new employee shall assume his/her position, nor may any current employee assume a new position until the Personnel Board has approved the classification, work week and compensation for said employee as proposed by the appropriate department head or appointing authority. The Board is further empowered, but is not limited thereto, with full and final authority to:

- a) evaluate and classify positions;
- b) designate a position by title;
- c) determine and authorize which position title of the Classification Plan is applicable and appropriate for any employee;
- d) make and authorize determinations regarding the pay rate for temporary transfers, promotions, and demotions;
- e) determine and authorize for a new employee a starting rate higher than the minimum provided by the Compensation Plans, upon request of the department head or appointing authority;
- f) make and authorize interim and/or emergency changes, additions, or deletions to or from the: Classification and Pay Plans; and the supplementary benefits authorized by this By-Law; and
- g) recommend minimum, maximum, and interim step rates in the Compensation Plans.

2-7. APPEALS – The Board is also empowered with full and final authority to:

- a. receive and hear appeals concerning the Classification Plan, Pay Plan, and supplementary benefits;
- b. procure evidence and data and take testimony pertaining thereto; and
- c. make final and binding determinations in reference thereto.

2-8. APPROPRIATIONS AND DISBURSEMENTS – In like manner to other boards, agencies and departments of the Town so empowered, the Board may request and receive appropriations of money for its needs, from which it may disburse sums for the procurement of necessary supplies and equipment, the compensation of its own employees, the payment of part-time assistants, and such counsel, and consultants, specialists, and expert assistance as it may deem necessary or desirable, and for other purposes consistent with its functions.

2-9. INVESTIGATIONS – The Board may conduct, or cause to be carried out, whatever investigation it may deem necessary in order to determine whether the provisions of this By-Law are being observed and properly carried out.

CHAPTER 3

CLASSIFICATION SYSTEM

- 3-1. PURPOSE – The purpose of the Classification Plan is to:
- group together similar positions with a common class title;
 - evaluate the complexity and responsibility of each class using a set of established factors;
 - provide a means for evaluating requests to upgrade an individual position; and
 - identify positions and classes across all Town departments that are at similar range of complexity and responsibility.

- 3-2. ADMINISTRATION OF CLASSIFICATION SYSTEM – The Personnel Board is responsible for the administration of the Classification System. The Personnel Board allocates (assigns) each covered position to a class and evaluates that class using a set of objective and established factors and assigns a grade level to the class.

When a new position is established or when a position has changed substantially as to kind and/level of work, the department head, or employee may initiate a request for classification by submitting a written request with a job description which describes the duties and responsibilities of the new position or identifies the changes which have occurred in an established position. The Board will determine the proper classification.

- 3-3. ANNUAL REVIEW – In order to maintain current class specifications, the Board shall annually review or cause to be reviewed at least one-third of the Town's class specifications and associated job descriptions. Department heads shall:
- maintain current job descriptions for positions in their departments;
 - review such job descriptions with employees upon request; and
 - maintain current organizational charts.

Job descriptions and organizational charts shall be prepared in the form jointly agreed upon by the hiring authority and the Personnel Board.

- 3-4. APPEAL – An employee may appeal his classification or reclassification and a department head may appeal the classifications and reclassifications affecting employees in his/her department by filing a written request with the Personnel Board within thirty (30) calendar days after notification of the action or decision that is appealed, except that a classification or reclassification affirmed or established by the Board as the result of an appeal may not be appealed. The Board shall render a decision within forty-five (45) calendar days of the receipt of the appeal and any decision resulting in an increase of

wage or salary pursuant to an appeal shall be retroactive to the date of receipt of the appeal.

Chapter 4

COMPENSATION SYSTEM

- 4-1 PAY ADMINISTRATION – The following pay provisions shall be administered in accordance with this By-Law:
- a. APPOINTMENT RATES – An employee to a position should normally be compensated at the minimum rate of pay in the appropriate pay code for the class to which the position is allocated. However, subject to the approval of the Personnel Board, original employment at a salary above the minimum set may be made upon written explanation and certification by the department head or appointing authority that such action is justified by exceptional qualifications of the applicant or by lack of qualified applicants available at the minimum rate.
 - b. STEP INCREASES – Step increases within an established range are not automatic but require certification by the department head or appointing authority that the employee is performing at an acceptable level of competence. All step increases must be approved by the Personnel Board.
 - 1. The eligibility date for a step increase shall be established on the first pay period following twelve (12) months after the date of hire and annually thereafter until the maximum step in the pay range is reached. Effective June 11, 1984.
 - 2. The following factors shall not affect eligibility for a step increase:
 - (i) pay adjustment resulting from general wage increases;
 - (ii) transfer within class or within range;
 - (iii) military leave without pay necessitated by draft or reserve call-up because of a national emergency;
 - (iv) a period of paid leave; or
 - (v) reclassification
 - 3. If the employee's annual performance certification indicates less than satisfactory service, the pay raise shall be withheld until the employee has, in the judgement of the department head or appointing authority, corrected the deficiencies. Written notice of the denial of a pay raise and the reasons therefor shall be submitted to the employee and the appointing authority at least thirty (30) calendar days prior to the due date for the step increase. If the department head fails to so notify the employee, the step increase may not be denied. The employee's eligibility date for future

increases is not changed because of a delay in the granting of a prior step increase.

- c. REAPPOINTMENT RATE – At the discretion of the department head and with written approval from the Personnel Board, persons receiving reemployment or reinstatement appointment may be paid at any step within the pay range not to exceed the step attained at the time of the separation.
 - d. PROMOTION – Upon promotion, the employee's salary shall be set at the rate of higher pay code which at least provides an increase equal to the next higher pay step in the employee's previous pay code, except that the new salary shall not be more than the maximum rate of the higher pay code.
 - e. TRANSFER – When an employee is transferred from a position in one class to a position in another class at the same pay rate, or is transferred with no change in class, he/she shall continue to be paid at the same rate.
 - f. DEMOTION – When an employee is demoted to a lower pay code, his/her salary shall be set at:
 - 1) the rate in the lower pay code which provides no decrease or the smallest decrease in pay; if the action is not for cause, or
 - 2) any appropriate rate, as determined by the appointing authority with the approval of the Personnel Board, in the lower pay code that is less than the existing salary if the action is for cause.
 - g. LONGEVITY BENEFIT – Regular employees who have completed active continuous employment with the Town shall annually, on the pay period immediately following the anniversary date of the commencement of employment with the Town receive the following additional compensation:

1) Five years but less than ten years	\$325
2) Ten years but less than fifteen years	\$375
3) Fifteen years but less than twenty years	\$425
4) Twenty years but less than twenty-five years	\$475
5) Twenty-five years or more	\$525
 - h. SEVERANCE PAY – In order to insure all employees are compensated in a fair and equitable manner, the Town Accountant shall submit to the Personnel Board a detailed listing of any severance pay however denominated, including buy-back pay, granted an employee upon that employee's termination of service with the Town.
- 4-2 MANAGEMENT PAY PLAN – A sum of money shall be set aside to be allocated by the Board of Selectman to executive level positions according to the

results of evaluations in accordance with Chapter 11 of this By-Law and other considerations (i.e. comparable salaries in similar communities, educational achievement, tenure in position). All salary adjustments shall become effective as of July 1, with the exception of new hires, position reclassification, and temporary reclassification. The Selectmen will make salary recommendations for Town Meeting ratification with the concurrence of the Personnel Board. If agreement cannot be reached, the Personnel Board shall issue and present to the Town Meeting its comments upon the recommendation of the Selectmen.

- 4-3 MAINTENANCE OF THE PLAN – The Personnel Board shall keep informed of pay rates and policies in practice outside of the service of the Town, and shall recommend to the Town any action it deems necessary or desirable in order to maintain an equitable compensation structure.

- 4-4 POLICE LIEUTENANT’S PAY – The base pay for the rank of lieutenant in the Sharon Police Department shall, during the tenure of the incumbent as of the time of adoption of this By-Law, be ninety-four percent (94%) of the base pay of the Chief of the Department. This provision shall cease to be of any effect if, as and then the said position is vacated by the incumbent therein as of the time of the adoption of this By-Law. Nothing contained within this By-Law shall preclude the Town from granting the incumbent lieutenant a leave of absence without pay from this position for an indefinite period and under such conditions as may be in the best interests of the Town. In the event that the Town elects to grant such a leave of absence, then there shall be also established within the Department a temporary and separate job title and classification of “Lieutenant (Non-Civil Service)”. The pay rate of this position shall be that established by the Personnel Board in accordance with the provisions of this By-Law and approved by vote of the Town Meeting. The lieutenant (non-civil service) position shall continue for only as long as the incumbent lieutenant remains upon approved leave of absence. Upon the return of the incumbent lieutenant from an approved leave of absence, the job title and classification of Lieutenant (Non-Civil Service) shall be abolished. Should the incumbent lieutenant be reinstated to the position of lieutenant following an approved leave of absence, his rate of pay shall be ninety-four percent (94%) of the annual base salary of the Police Chief occupying the position of lieutenant. Determination of subsequent annual salary rates shall be made in accordance with the provisions of Chapter 11, and will not be fixed as a percentage of the then Police Chief’s annual base salary.

B. Schedule A to the Personnel By-Law, as adopted by the 1984 Town Meeting shall be amended by striking the pay rate of the Police Chief set forth therein, and by substituting therefore, the following provisions:

1. Term of Employment – The Police Chief is to serve the Town, as the Chief of the Police Department of the Town, for a term of three years commencing on the first day of the calendar month following the month during which the leave of absence becomes effective.

2. Compensation
 - a. For his services, the Town will pay the Police Chief as follows in accordance with the terms of an agreement dated February 14, 1985, at the rate of an annual base salary of \$40,000 until June 30, 1985 from October 1, 1984, and his annual base salary for the twelve-month period beginning July 1, 1985, and ending June 30, 1986 will be \$40,000 unless increased by vote of the 1985 Town Meeting. In addition, the Chief will receive extra pay for educational qualifications as provided for in statutes and regulations of the state in fifty-two equal weekly installments.
 - b. Overtime – The Police Chief’s annual base salary shall be payable in fifty-two equal installments and shall be inclusive of all overtime. Nothing contained herein shall be deemed to affect the entitlement to accrued compensation for past overtime.
3. Other Benefits – In addition to receiving his base pay and any applicable adjustments, the Police Chief will receive: (i) the same holiday, vacation, earned leave, sick leave, and other benefits, including medical insurance as are provided to other employees either under the Town’s Personnel By-Law except as, and to the extent, if any, that such provisions are modified herein or under any other program, and (ii) an allowance of \$400 each fiscal year for clothing and shoes.

CHAPTER 5

PROBATIONARY PERIOD

- 5-1 OBJECTIVE – The probationary period is an integral part of the selection procedure allowing the supervisor and department head or appointing authority to train, observe, and evaluate an employee's work in order to determine fitness for permanent status in the position.
- 5-2 DURATION OF PROBATIONARY PERIOD – Each person originally appointed to a permanent position shall be required to successfully complete a probationary period which shall be of sufficient length to enable the department head to observe the employee's ability to perform the various principal duties of the position. The probationary period shall begin immediately upon original appointment and shall continue for six months, except as provided in Sections 5-5 and 5-6. It may be extended at the department head's request for a period of up to six months. Throughout the probationary period, the department head will observe the employee's performance and any strengths or weaknesses in the employee's performance should be discussed with the employee. The appropriate appointing authority will be responsible for evaluating the performance of department heads.
- 5-3 PROBATION EXPIRATION – At least one month prior to completion of the employee's probationary period, the department head will notify the appointing authority in writing that:
- a. the employee's performance is satisfactory and that the individual should be retained as a permanent employee in his/her classification;
 - b. the employee's performance or conduct is unsatisfactory, and that his/her removal is proposed as of a specific date prior to the end of the probationary period. The department head will furnish reasons for the recommended removal to the appropriate appointing authority who may terminate the employee.
 - c. an extension of the probationary period is desired for additional observation and the employee will continue in his/her position during the extension if granted by the appointing authority. No step increase shall be granted until the employee has completed the extended probationary period. The extension may not exceed six months.
- 5-4 REMOVAL OF AN EMPLOYEE – (1) An employee may be removed during the probationary period if the employee is unwilling or unable to perform duties or if his/her habits or dependability do not merit continuance in the position. The employee will be notified in writing why he/she is being terminated and the

effective date of the action. (2) An employee may also be removed at any time if it is revealed that information submitted prior to appointment was falsified.

In each instance of removal, the appointing authority will notify the Personnel Board.

- 5-5 Police Department – The probationary period for newly appointed uniformed members of the Police Department shall be twenty-seven (27) months and if the employee's work is unsatisfactory, the employee shall be dismissed within the first twenty-seven (27) months by the appointing authority. Nothing herein shall preclude leave benefits provided in Chapter 7 of the Personnel By-Laws after the expiration of six (6) months.
- 5-6 Fire Department – The probationary period for newly appointed uniformed members of the Fire Department shall be one year (1), and if the employee's work is unsatisfactory, the employee shall be dismissed within the first year by the appointing authority. Nothing herein shall preclude leave benefits provided in Chapter 7 of the Personnel By-Laws after the expiration of six (6) months.
- 5-7 PROBATIONARY PERIOD – EFFECT OF LEAVE – The provisions of the probationary period shall not effect leave earned under the provisions of Chapter 7 when the person appointed is an employee at the time of the permanent appointment.

CHAPTER 6

HOURS OF WORK

- 6-1 HOURS OF WORK – Unless the provisions of a collective bargaining agreement designate otherwise, the normal work week for full-time employees in all departments shall not be less than thirty-seven and one half-hours.
- 6-2 EMERGENCY ASSIGNMENTS – A department head, or person acting for him/her, may in an emergency or as a necessity, assign any schedule or hours of work that he/she deems appropriate. However, the department head or designee must notify the Personnel Board and obtain the Board's approval for any modification which alters the length of the work week in respect to either days or hours for more than two consecutive calendar weeks.
- 6-3 OVERTIME STATEMENT – A statement which describes the reasons for granting overtime in the department shall be filed by the respective department head with the appointing authority who shall submit copies to the Personnel Board and the Finance Committee.

Chapter 7

Leave

- 7-1 GENERAL POLICY – Leave is any absence during regularly scheduled work hours is approved in accordance with this By-Law.
- 7-2 PROCEDURE FOR REQUESTING LEAVE – For all leave other than holiday, vacation, sick and emergency leave, a written request indicating the kind of leave, duration, and dates of departure and return must be approved by the department head prior to the taking of leave. In the case of sick and emergency leave, the request shall be submitted for approval immediately upon the employee's return to duty. Unless an absence is substantiated by a request approved by the department head or designee, an employee shall not be paid for any absence from scheduled work hours.
- 7-3 HOLIDAYS – All full-time Town Employees shall be granted the following eleven paid holidays:
- a) New Year's Day
 - b) Martin Luther King Day
 - c) Washington's Birthday
 - d) Patriot's Day
 - e) Memorial Day
 - f) Fourth of July
 - g) Labor Day
 - h) Columbus Day
 - i) Veteran's Day
 - j) Thanksgiving Day
 - k) Christmas Day
- 7-4 SATURDAY AND SUNDAY HOLIDAYS – Whenever any of the above-mentioned holidays falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be a holiday as determined by the appointing authority.
- For library employees, if a holiday falls on a Saturday when the library is regularly scheduled to be opened, that Saturday shall be the holiday; if the holiday falls on a Sunday when the library is regularly scheduled to be closed on Sunday and Monday, or on a Monday when the library is regularly scheduled to be closed, the employee shall be granted an extra day of paid vacation or an extra day of pay, as agreed upon by the department head and approved by the Library Trustees.
- 7-5 WORK ON HOLIDAYS – An employee required to work on a holiday shall receive, in addition to holiday pay, an amount equal to his/her regular rate of pay

for all hours worked, subject to a minimum of two hours compensation at such rate.

7-6 VACATION LEAVE – Vacations shall be granted annually to full-time employees in accordance with the following schedule:

- a) A new employee whose first day of work is between January 1st and June 30th will be awarded 10 days vacation on the following January 1st and each January 1st prior to the year of completion of 5 years of continuous employment. An employee whose first day of work is between July 1st and December 31st will be awarded 5 days vacation on the following January 1st and thereafter 10 days vacation each January 1st prior to the completion of 5 years continuous employment.
- b) Fifteen days vacation shall be awarded on January 1st in the year of completion of 5 years of continuous employment and on January 1st in each of the next 4 years of continuous employment.
- c) Twenty days vacation shall be awarded on January 1st in the year of completion of 10 years continuous employment and on January 1st in each of the following years of continuous employment.

No more than 5 days vacation leave shall be carried over to the next calendar year without the approval of the Personnel Board acting on the recommendation of the Department Head. Vacation leave in excess of the 5 days maximum carryover must be used prior to the start of the leave year or it is forfeited unless approved by the Personnel Board. Employees are advised to request such leave and have it approved well in advance to avoid forfeiture.

Pay cannot be received in lieu of vacation.

7-7 VACATION ON A HOLIDAY – If a regular paid holiday falls within an employee's vacation period, the employee shall receive an extra day of paid vacation.

7-8 EARNED LEAVE – Full-time employees with perfect attendance at work in any calendar month shall have one-half day added to their leave time. This shall be known as earned leave. Such accumulated leave may be taken, at the election of the employee, in the calendar year in which it is earned, or in the subsequent calendar year. Such accumulated earned leave, if not taken, shall be compensated for during the subsequent calendar year and may be paid at the election of the employee at any time following July 1st of that year and at the employee's current pay rate.

7-9 SICK LEAVE – Full-time employees shall accrue sick leave at the rate of one and one-quarter days for each completed calendar month of paid employment. A full-

time employee may only accumulate a maximum of one hundred and fifty (150) days of sick leave. Sick leave may be used when personal illness or injury of the employee incapacitates him/her from performing assigned duties. Sick leave may also be used for personal emergencies when approved in accordance with 7-11. Such leave in excess of one hundred fifty days, or in excess of any lesser amount actually accumulated, may be granted, other provisions herein notwithstanding, at the recommendation of the department head and appointing authority, and with the concurrence of the Personnel Board provided that all other accrued and available leave has been used.

Senior and School Crossing Traffic Supervisory shall accrue sick leave at the rate of one and one-quarter days for each two calendar months of active employment between September and June. Unused accumulated sick leave may not total more than seventy-five days for these employees unless the Personnel Board approves an additional amount.

At the time of retirement or death, an employee or his/her estate shall be compensated for all accumulated sick leave in excess of 100 days in accordance with the following "Buy-Back" provision:

"The employee or his/her estate shall receive a sum obtained by multiplying the number of accumulated sick leave days in excess of 100 by itself, that is, by squaring such number. In no event shall the Town be under any obligation to pay more than \$2,500.00."

At the time of termination of employment by reason of retirement or death the Administrative Secretary to the Board of Selectmen shall be awarded accumulated sick leave in excess of 100 days and shall be compensated in accordance with the following "Buy-Back" provision:

"The number of accumulated sick leave days in excess of 100 to a maximum of 150 days shall be multiplied by itself (squared) to express the dollar amount of sick leave buy-back."

- 7-10 REPORTING ILLNESS – In case of illness, an employee must report to his/her department head or designee the reason for the absence on the first day of the absence in order to be eligible for sick leave pay, unless there are special circumstances preventing the notification. When an employee is absent due to illness for more than three consecutive work days, the department head or designee may request the employee, before returning to work, to secure a certificate from a physician attesting to the employee's fitness for duty. The employee will bear the expense of the medical examination.
- 7-11 PERSONAL EMERGENCIES – An employee may request to use accrued sick leave during a personal emergency, and such request may be approved or disapproved by the department head, or approval may be given subject to such conditions as the department head may require. Personal emergency leave in excess of five days must be approved by the appointing authority. To be eligible

for use of sick leave during a personal emergency, the employee must be excused by his/her department head or designee prior to the absence unless there are extenuating circumstances.

- 7-12 JURY DUTY – An employee summoned to jury duty will be excused from his/her work for the required period necessary to perform this duty.
- a) PREMATURE ADJOURNMENT – If the jury is prematurely excused from duty during the time of its service, the employee is expected to report for work as usual.
 - b) COMPENSATION – An employee required to serve on a jury and thus having to be absent from regular duty shall be entitled to be paid the difference between the compensation received from the Town and the jury pay received.
- 7-13 BEREAVEMENT LEAVE – Upon the death of the spouse, sibling, parent, child, mother-in-law, father-in-law, son-in-law or daughter-in-law, of an employee, the employee, upon request to the department head, shall be allowed five calendar days of absence without loss of pay or any supplementary benefits. In the case of the death of a grandparent or brother/sister-in-law, the employee upon approval of the department head shall be allowed three days of leave.
- 7-14 LEAVE WITHOUT PAY – Upon recommendation of the department head and approval by the appointing authority, an employee may be granted leave without pay for a period not in excess of one year. At the expiration of a leave without pay, the employee shall return to the same position or to a similar position. Failure of the employee to report promptly at the expiration of such leave shall not constitute a break in service. However, during leave without pay in excess of thirty calendar days, vacation and sick time shall not accrue.
- 7-15 LEAVE FOR REGULAR EMPLOYEES – The provisions of Chapter 7 related to leave and holiday shall apply to regular part-time employees, except that a day shall be awarded in hours and accordance with the following schedule:
- a) Those regular part-time employees whose normal scheduled work week is at least 20 hours, but less than 25 hours shall be awarded 4 hours each entitlement of one day awarded by the provisions of Chapter 7.
 - b) Those regular part-time employees whose normal scheduled work week is at least 25 hours, but less than 30 hours shall be awarded 5 hours each entitlement of one day awarded by the provisions of Chapter 7.
 - c) Those regular part-time whose normal scheduled work week is at least 30 hours, but less than 35 hours shall be awarded 6 hours each entitlement of one day awarded by the provisions of Chapter 7.

- d) Those regular part-time whose normal scheduled work week is at least 35 hours, but less than 40 hours shall be awarded 7 hours each entitlement of one day awarded by the provisions of Chapter 7.
- 7-16 EARNED LEAVE OF PART-TIME EMPLOYEES WORKING LESS THAN 20 HOURS PER WEEK – Those part-time employees whose normal scheduled work week is at least 12 hours but less than 20 hours and regularly scheduled over a period of five (5) days per week for at least nine (9) months per year shall be awarded ½ of a regularly scheduled work day of leave for each month with perfect attendance.
- 7-17 NATIONAL GUARD AND RESERVE DUTY LEAVE – An employee performing full-time service in the National Guard or Reserve shall be entitled to compensation in an amount equal to the difference between his/her military pay and his/her regular compensation as a town employee provided, however, such compensation shall be paid for not longer than four (4) weeks per fiscal year.
- 7-18 FUNERAL LEAVE – Time is permitted off for designated veterans and veteran auxiliary organization members when they are participating in a military wake and/or funeral service being given a deceased veteran.

CHAPTER 8

RECRUITMENT, SELECTION AND APPOINTMENT OF EMPLOYEES OTHER THAN POLICE OFFICERS/I

8-1 POLICY – To assure a high quality of service to the public, selection will be from among the most competent individuals available. Recruitment efforts and publicity will be directed to all appropriate sources of applicants in a geographical area as wide as necessary to attract an adequate number of qualified candidates and to assure equal opportunity for the public to apply and be considered for employment on the basis of job-related abilities. Selection and appointments to all positions will be based upon job-related requirements and the applicant's demonstration that he/she possesses the skills, knowledge, abilities, and other characteristics necessary for successful job performance.

8-2 RECRUITMENT PROCEDURES – The following recruitment procedures shall be followed in selecting and appointing employees:

a) DEFINING THE JOB – When a vacancy occurs, the department head where the job exists will review the functions, duties, responsibilities, and minimum qualifications of the position to ascertain whether the class specification is accurate. Any changes or special qualification requirements for the position will be reported to the Personnel Board.

b) ADVERTISING FOR POSITIONS OTHER THAN DEPARTMENT HEADS
Department heads will be responsible for advising the public of vacancies within their respective departments. The department head will publicize the vacancy in such manner as to assure that all interested and qualified individuals, including all current Town employees, are informed of the class title, duties, responsibilities, and salary range; minimum and special qualifications for the job; the Town's EEO policy; and other information which may be useful to the applicants.

The methods of advertising the vacancies will vary depending upon the nature and requirements of the positions being filled. The following methods are typical of those which may be used for recruitment; posting notices on public bulletin boards, advertising in professional journals and newspapers with local and statewide circulation, and listing the job with the State Employment Service. Additionally, recruitment efforts will be directed to encourage applicants from veterans, the disadvantaged, females and minorities.

b) ADVERTISING FOR DEPARTMENT HEAD POSITIONS – A Screening Committee comprised of a representative of the Personnel Board, a representative of the Affirmative Action Committee and up to four persons appointed by the appointing authority, will be responsible for recruiting for

department head vacancies. The screening Committee will follow those procedures outlined in Section 8-2 above.

- 8-3 THE SELECTION PROCESS – The department head or Screening Committee, as appropriate, shall determine which examining device or combination of devices will be used to evaluate the relative fitness of each candidate for employment. The devices selected will relate to the duties and responsibilities of the position for which candidates are being examined. Typically, all applications will be reviewed in order to determine those individuals best qualified for employment on the basis of their education and experience and how that background demonstrates the candidates' possession of the knowledge, skill and ability necessary for successful job performance.
- a) FOR POSITIONS OTHER THAN DEPARTMENT HEADS – Upon review of all applications, the department head will interview the best qualified applicants and recommend a selection from among that group to the appointing authority who shall review the application process, the recommendation and make the appointment.
 - b) FOR DEPARTMENT HEAD POSITIONS – The Screening Committee will review all applications, conduct preliminary interviews and recommend the best qualified applicants to the appointing authority for interview and final selection. The appointing authority will notify the Screening Committee of the time, location and date established for the final interviews.
 - c) NOTIFICATION TO APPLICANTS – The department head or appointing authority will notify all candidates in a timely manner of their selection or non-selection for the position.
 - c) DOCUMENTING THE SELECTION PROCESS – A record of the recruiting, examining, and appointing procedures used will be retained for one year after vacancy is filled.
- 8-4 EQUAL EMPLOYMENT OPPORTUNITY – Discrimination in the selection process is prohibited and any employee or applicant who feels aggrieved may file a complaint with the Director of the Affirmative Action Program.

CHAPTER 9

RECRUITMENT, SELECTION, AND APPOINTMENT OF POLICE OFFICERS

- 9-1 INITIAL ACTION – When a vacancy in the position of police officer exists in the Police Department, the Chief shall notify the Board of Selectmen of such vacancy, at which time the Board of Selectman shall initiate recruitment efforts by inviting interested and qualified candidates to submit applications to the Board of Selectman before a specified date. A list of qualified applicants for the position of police officer shall be compiled and maintained by the Board of Selectmen for a period not to exceed three years from the date of filing the vacancy for which the applications were received. In the event that another vacancy in the Police Department shall exist during that period, the Board of Selectmen may consider for appointment to the position of police officer, the qualified applicants identified on that list and shall not be required to undertake additional recruitment efforts. Nothing provided herein, however, shall preclude the Board of Selectmen from inviting additional interested candidates to submit applications for the position.
- 9-2 QUALIFICATIONS FOR APPLICATION – All applicants for a the position of police officer shall be between 20 and 35 years of age, shall be citizens of the United States and shall be residents of the Commonwealth of Massachusetts for at least one year prior to taking the written examination for the position. Applicants shall be of acceptable and proportionate height and weight, and shall be in possession of a valid driver's license issued by the Commonwealth of Massachusetts, unrestricted for operation of motor vehicles, except as to restrictions based upon use of corrective lenses. All applicants shall be high school graduates or shall have received a certificate of equivalency issued by the Massachusetts Department of Education. College credits or degrees are desirable. Applicants shall take a written examination, unless a written examination shall not be required by paragraph 9-3 of this chapter, and a physical agility test and shall participate in an oral interview. Successful candidates will be conditionally appointed subject to completion of basic police officer training as required by Massachusetts General Laws.

Any regular member of the Town's Police Department, appointed subsequent to August 1, 1978, shall reside within the Town or within fifteen miles of the perimeter of the Town; provided, however, if any collective bargaining agreement entered into between the Selectmen and a Union representing the Members of the Town's Police Department, shall require the members of the Police Department appointed on or after August 1, 1978 to be residents of Sharon, the provisions of such collective bargaining agreement shall supersede the provisions of this paragraph; and provided further, such collective bargaining agreement shall apply only to those regular members of the Police Department appointed subsequent to the adoption of such collective bargaining agreement. This paragraph shall not

apply to Police Officers appointed prior to 8/1/78 who reside outside the Town but shall apply to any such officer who changes his domicile after August 1, 1978.

- 9-3 WRITTEN EXAMINATION NOT REQUIRED – Each applicant for the position of patrolman who is a graduate of the Criminal Justice Training Council Academy, established by the Massachusetts Criminal Justice Training Council pursuant to G.L. Chapter 6-A, Section 18, or has equivalent training satisfying the requirements of said council, shall not be required to take the written examination provided for in 9-2 hereof.
- 9-4 POLICE SELECTION REVIEW COMMITTEE – At least seven days before the final date for applications, the Board of Selectmen shall cause to be assembled a Police Selection Review Committee to be comprised of the following members:
- a) Chief of Police;
 - b) Chairman of the Board of Selectmen;
 - c) President of the Sharon Police Association;
 - d) Chairman of the Personnel Board; and
 - e) Representative of the Affirmative Action Committee
 - f) Town resident proficient in personnel administration.
- 9-5 DUTY OF POLICE SELECTION REVIEW COMMITTEE – It shall be the duty of the Committee to review applications, administer a written examination, conduct preliminary oral interviews, and make recommendations to the Board of Selectmen of the five most qualified candidates to be considered for permanent appointment. In the event that more than one vacancy shall exist, one additional candidate will be recommended to the Board of Selectmen by the Review Committee for each additional vacancy.
- 9-6 APPOINTMENT – Within fourteen days after receipt of the Police Selection Review Committee's report of recommendations, the Board of Selectmen shall hold final oral interviews with those recommended candidates. Based upon these interviews the Board of Selectmen shall indicate the person(s) out of the five who they feel are the most qualified candidate(s). However, before final appointment is officially voted upon, candidates(s) must be administered the following four exams:
- a) Physical exam;
 - b) Psychological exam;
 - c) Agility test; and
 - d) In-depth background investigation.

Upon satisfactory performance in all four of these exams, the Board of Selectmen shall, within fourteen days of the results, vote on appointment.

Any Special Police Officer who passes the written examination required in Section 9-2 shall, so long as he remains a Special Police Officer in good standing and has not attained the age of thirty-five years, continue until he attains such age to be listed on each report of the Police Selection Review Committee to the Board of Selectmen as one of “the most qualified candidates to be considered for a permanent appointment as a patrolman”.

- 9-7 TENURE – All police entrance appointments shall be considered probationary for the first three years, after which they shall have the full protection of the State Labor Relations Commission.
- 9-8 PROMOTIONS – When a promotion is to be made in the Police Department, the Board of Selectmen shall establish the qualifications of those officers who shall be permitted to apply. In making its selection for promotion, the Board of Selectmen shall give consideration to the results of the written tests and oral interview, as well as the candidates’ performance record in the Police Department. Appointment to a promotion shall be contingent upon satisfactory completion of a physical examination provided at no cost to the candidate.

CHAPTER 10

PROMOTION, DEMOTION, TRANSFER AND SEPARATION

- 10-1 PROMOTION POLICY – Employees are encouraged to develop new skills, expand knowledge of their work, assume greater responsibilities, and make know their qualifications for promotions to more difficult and responsible positions.
- a) Vacancy announcements shall be distributed and posted in all Town offices.
 - b) Current employees are encouraged to apply for any vacancy for which they meet the requirements of the position.
 - c) No supervisor shall deny an employee permission to apply for a vacancy.
 - d) When a Town employee's qualifications are ranked equal to or higher than outside applicants, the Town employee shall be given preference, except where such a practice would violate the Town's Affirmative Action Plan.
- 10-2 DEMOTION – An employee may be demoted to a position in a lower pay code^{*} for which he/she is qualified for any of the following reasons:
- a) When an employee would otherwise be laid off, because his/her position is being abolished as provided by Section 10-5(c);
 - b) When his/her position is reclassified to a lower classification;
 - c) When he/she voluntarily requests a lower classification; or
 - d) When an employee does not render satisfactory service in the position held.
- 10-3 TRANSFER – A position may be filled by transferring an employee from another position of the same or similar class having the same maximum pay rate, involving the performance of similar duties, and requiring essentially the same basic qualifications. Interdepartmental transfers must be approved by the appointing authority and both departments affected and notification must be submitted to the Personnel Board.
- 10-4 TEMPORARY PROMOTION, DEMOTION OR TRANSFER – Positions may be filled as a result of temporary promotions, demotions or transfers. In the event of a temporary promotion, demotion or transfer, the Personnel Board may consider special circumstances in establishing pay rates for these actions.
- 10-5 SEPARATION – The following provisions govern separation from town employment:

^{*}Refer to 4-1(f) for pay setting provisions.

- a) **RETIREMENT** – Retirement is the separation of an employee in accordance with the provisions of the retirement system under which the employee is eligible to receive benefits.
- b) **RESIGNATION** – Resignation is the separation of an employee by his/her voluntary act. An employee may resign in good standing from the Town by submitting in writing the reasons therefor and the effective date to the department head at least fourteen calendar days in advance. The department head may permit a shorter period of notice because of extenuating circumstances. The department head shall conduct an exit interview with the employee and will verify the employee's reason(s) for leaving. The letter of resignation and results of the exit interview shall be forwarded to the appointing authority. Copies of employee's letter of resignation and results of the exit interview will be placed in the employee's personnel record. In the event of a department head's resignation, a similar procedure will be followed with the appointing authority or their designee conducting the exit interview.
- c) **LAYOFF** – In the case of layoff or reduction of personnel for lack of work, fiscal cutback, or when the appointing authority believes the continuation of such work would be less efficient, productive or economical, the appointing authority shall determine which positions are to be eliminated, by class title, and which positions are to be retained by class title.

In the event of a lay-off of Town employees governed by this By-Law, consideration will be given to the education, training, ability, past performance, length of prior service, and the needs of the Town. Each employee to be laid off shall be given written notice of such impending action at least thirty (30) days prior to the effective date, and such notice shall include a statement of the reasons necessitating such action.

For a period of two years following the layoff, former employees shall be given consideration for re-hiring to any positions to be filled by the Town for which they are deemed to be qualified in the judgement of the appointing authority.

- d) **BRIDGING SERVICE FOR CALCULATING BENEFITS** – If, following a layoff absence not exceeding two years in duration, the employee re-enters the service of the Town as a regular employee, the period of layoff absence immediately preceding re-entry shall be considered as temporary layoff and shall not be considered a break in the continuity of the employee's service.

A layoff absence exceeding two years in duration shall be considered a break in service. If the employee re-enters the service of the Town as a

regular employee following a layoff absence of more than two years his service will be bridged at the time the employee has attained two years of continuous service from the date of re-hire.

- 10-6 CIVIL SERVICE – The provisions of Chapter 10 shall not apply to employees covered by G.L. c. 31.

CHAPTER 11

PERFORMANCE EVALUATION

- 11-1 POLICY – Annually, the appointing authority will evaluate the performance of each department head within the Town of Sharon. This evaluation will be among the criteria used to determine annual compensation for department heads.
- 11-2 PROCEDURE – The specific procedure for evaluating the performance of department heads will be established by the appointing authority.

CHAPTER 12

DISCIPLINARY ACTIONS

12-1 DISCIPLINE – It is the responsibility of all employees to observe this By-Law as well as departmental policies and regulations necessary for the proper operation of the Town of Sharon.

- a) **DEPARTMENT HEAD RESPONSIBILITIES** – Department Heads are responsible for the proper and efficient operation of their department and for enforcing all policies and regulations. Supervisors are authorized to apply, with the approval of the Department Head, such disciplinary measures as may be necessary.
- b) **REASON FOR DISCIPLINARY ACTION** – Disciplinary action may be imposed upon an employee for conduct or actions which effectively and efficiently discharging its responsibilities to the public. The following shall be sufficient cause for disciplinary action:
 - 1) willful neglect in the performance of duties of the position to which the employee is assigned;
 - 2) disregard for or frequent violations of the Town's or respective department's policies and regulations;
 - 3) willful misuse, misappropriation, negligence, destruction of Town property or conversion of Town property to personal use or gain;
 - 4) frequent tardiness or absence from duty without prior approval;
 - 5) violation of any reasonable or official order or refusal to carry out lawful and reasonable directions given by a proper supervisor as long as there is no danger to personal safety;
 - 6) habitual use of intoxicating beverages to excess or abuse of narcotics, drugs, or other controlled substances so as to interfere with job performance or the efficiency of the Town's service;
 - 7) intoxication or use of alcoholic beverages narcotics, drugs, or other controlled substances while on duty or on Town property (except the use of drugs prescribed by a registered physician for medical purposes);
 - 8) criminal, dishonest, or other unsuitable conduct which interferes with effective job performance or has an adverse effect on the efficiency of the Town service;
 - 9) disregard for or violations of Town ordinances or State laws;
 - 10) violation of privileged information or its use for private gain;
 - 11) continued substandard performance; or
 - 12) any other conduct or action of such seriousness that disciplinary action is considered warranted.

12-2 PROCEDURES FOR DISCIPLINARY ACTION –

- a) **ORAL REPRIMAND** – Whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not immediately necessary, the supervisor should orally communicate to the employee the supervisor's observation of the deficiency and offer assistance in correcting the deficiency. Whenever possible, sufficient time for improvement should precede formal disciplinary action. When an oral reprimand is given, the supervisor should ensure that the employee's personnel file is documented to show date of the reprimand and the charge. The employee will be advised that this reprimand will be documented in his/her personnel folder and will have the opportunity to submit comments for the personnel folder. The documentation of the reprimand and comments in the employee's file will be purged at the end of thirty-six months if not again reprimanded or otherwise disciplined during that thirty-six month period.
- b) **WRITTEN REPRIMAND** – A written reprimand shall be addressed to the employee and will include: the charge; the specific behavior and the dates of the behavior that support the charge; the warning that continuance of this behavior will result in more severe disciplinary action; an offer of assistance in correcting the behavior; any circumstances affecting the severity of the discipline; and advice on right of appeal. A signed copy of the reprimand shall be included in the employee's personnel file, and the employee will have the opportunity to submit comments for the personnel folder. Both documents will be purged from an employee's file at the end of thirty-six months if not again reprimanded or otherwise disciplined during that thirty-six month period.
- c) **SUSPENSION** – A department head may suspend an employee without pay for up to, but not exceeding, thirty calendar days. On or before the effective date of the suspension, the supervisor will furnish the employee with a written statement setting forth reasons for suspension, the effective dates of the suspension, and the date the employee should return to work. The statement will also include: the charge; the specific behavior and the dates of the behavior that support the charge; the warning that continuance of this behavior will result in more severe disciplinary action; an offer of assistance in correcting the behavior; any circumstances affecting the severity of the discipline; and advice on right of appeal.
- d) **DISMISSAL** – An appointing authority may terminate an employee after providing the employee with written notice and opportunity for a hearing, as specified in this section and Section 12-2e. The employee must be given a written notice signed by the appointing authority specifying the effective date of the termination; the charge; the specific behavior and the

dates that support the charge; any circumstances affecting the severity of the discipline; and advice on right of appeal.

- e) APPEAL – The procedure specified in Section 14-1 shall govern grievances resulting from action taken pursuant to Sections 12-2a, 12-2b and suspensions which do not exceed five working days. A suspension in excess of five working or dismissal shall not take effect until the appointing authority has conducted a hearing to examine all of the evidence concerning the recommended disciplinary action.
- f) CIVIL SERVICE – Chapter 12, Sections 2(b) through 12-2(e) inclusive, do not apply to employees covered by G.L. c 31.

CHAPTER 13

CONDUCT OF EMPLOYEES

- 13-1 GENERAL POLICY – All employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town of Sharon. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.
- 13-2 RECEIPT OF GIFTS – Employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any other item of monetary value from any person who has or is seeking to obtain business with the Town employment whose interests may be affected by the employees performance or non-performance of official duties. Subject to the foregoing:
- a) Nominal – Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement, or illness; food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional material, e.g., pens, notepads, calendars of nominal intrinsic value, is permitted;
 - b) Flower Funds of Gifts for Fellow Employees – Contributions made for such funds or special gifts are not prohibited. However, participation in such activities, including contributions for even nominal gifts to supervisors, must be wholly voluntary on the part of each employee, and any gifts should be of minimal value; and
 - c) Supervisors – The policies described in all above sections shall apply to supervisors. In addition, supervisors must avoid placing themselves in a position which interferes with or creates the impression of interfering with, the objective evaluation and direction of their subordinates. No supervisor shall accept gifts from subordinates other than those of nominal value for special occasion, and no supervisor shall borrow money or accept favors from any subordinate.
- 13-3 BUSINESS ACTIVITIES AND SOLICITATION – No employee shall engage in any business other than his/her regular duties during working hours, including such activities as selling to fellow employees, lending of money for profit, etc.
- 13-4 OUTSIDE EMPLOYMENT – No employee may engage in additional employment which in any manner interferes with proper and effective job performance, results in a conflict of interest, or may subject the Town to public criticism or embarrassment.

- 13-5 USE OF PROPERTY – Employees should not, directly or indirectly, use or allow the use of Town property of any kind for personal or monetary advantage or for any other than official activities unless previously authorized by the department head with the concurrence of the appointing authority.

TELEPHONE USE – Employees should not use Town telephone facilities for personal calls unless authorized by the department head or appointing authority.

- 13-6 POLITICAL ACTIVITY – All employees are entitled to exercise their rights as citizens to express their opinions and to cast their votes. Employees may not:

- a) use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or
- b) directly or indirectly coerce, attempt to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

CHAPTER 14

GRIEVANCE AND DISCRIMINATION COMPLAINT PROCEDURE

14 - GRIEVANCE PROCEDURE – All grievances shall be handled in accordance with the following procedures. Related grievances may be consolidated and processed as a single issue. Every effort will be made to resolve the grievance at the lowest possible level. The steps follow:

- a) Step 1: The employee or representative shall present his/her grievance to his/her supervisor within 10 days of the act or omission giving rise to it. If the supervisor cannot make an immediate solution satisfactory to both parties, the employee shall resume his/her regular duties. If the dispute involves the employee's workload or schedule, he/she shall continue to work as assigned until the dispute shall be resolved;
- b) Step 2: The employees shall prepare a written statement of the grievance which shall be submitted to the department head. The grievance shall state the complaint and the action requested. The department head shall, within five work days of receipt, attempt to negotiate a settlement or adjustment of the grievance with the employee. If a satisfactory settlement cannot be reached within said period, the department head shall render a written decision within five work days, and forward a copy of the decision and the grievance to all parties and to the appointing authority: and
- c) Step 3: The appointing authority shall then attempt to negotiate a settlement or adjustment of the grievance with the employee during a period of five work days after receipt of the decision of the department head or during such longer period as the parties may agree upon. If a satisfactory settlement cannot be reached within said period, the appointing authority shall render a final written decision within five working days after the end of the said period and deliver a copy to all parties.

14-2 DISCRIMINATION COMPLAINT PROCEDURE – All discrimination complaints shall be handled in accordance with the Town's Affirmative Action Program.

CHAPTER 15

GENERAL PROVISIONS

- 15-1 ACCESS TO FACTS - The Personnel Board shall have access to all facts, figures, records and other information as necessary to administer this By-Law. Such information shall be furnished forthwith by a department head or appointing authority upon request by Personnel Board and in such form as the Board may require.
- 15-2 DEPARTMENTAL APPROPRIATION – Each department head or other person charged with the responsibility of administering and approving payrolls shall include in his/her departmental budget a Pay Adjustment Section to provide funds for the pay adjustments for the ensuing year according to the Personnel Compensation By-Law. If these funds are appropriate, all expenditures under the Pay Adjustent Section are to be made only in accordance with the Personnel Compensation By-Law.
- 15-3 AVAILABLE APPROPRIATION – It shall be the responsibility of the appropriate department head, department heads and/or elected official or officials, and not that of the Personnel Board, to determine whether there is a proper, legal and sufficient appropriation available with which to carry out any determination and /or authorization of the Personnel Board.
- 15-4 NEPOTISM – Unless the Personnel Board, following the recommendation of the department head, determines that the best interests of the Town shall be served, the following relatives of any elected official or other Town employee are disqualified from employment within the same department; son, daughter, spouse, parent, grandchild, grandparent, brother, sister, half-brother, half-sister or the spouses of any of them. All relationships shall include those arising from adoption. This provision shall not apply to any Town personnel employed as of the date of its adoption.
- 15-5 DUAL COMPENSATION – No person employed by the Town shall hold more than one compensated position, except where the best interests of the Town would be served. In such instances, approval of the holding of two or more compensated Town positions shall be at the discretion of the Personnel Board, with the advance approval of the appointing authority and upon such conditions as the appointing authority may see fit to impose.
- This provision of the By-Law shall not apply to any Town employee who occupies two or more compensated positions as of the date of its adoption.
- 15-6 RECORDS – The records of the Board shall be maintained as the Board may decide and direct and shall be available as required under the State Freedom of Information Act. Personnel and medical files or information relating to a

specifically named individual where disclosure would constitute unwarranted invasion of personal privacy are exempt from public access.

CHAPTER 16

DEFINITIONS

ALLOCATION – The assignment of an individual position to an appropriate class on the basis of kind of work, duties and the responsibilities of the position.

APPOINTING AUTHORITY – Any Town Official who is legally responsible for the appointment, suspension, transfer or removal of an employee.

APPOINTMENT – The placement of a person in a position.

CLASS – One or more positions which are sufficiently similar with respect to duties and responsibilities, that they may properly be designated by the same class title.

CLASSIFICATION PLAN – A schematic list of classes supported by class specifications and an evaluation system.

CLASS SPECIFICATION – The written description of a class, including the title, the summary, examples of duties, and statements describing the knowledge, skills and abilities required, supervisory controls, difficulty of the work, scope and effect, personal contracts, work environment and physical demands, and supervision and management responsibilities.

CLASS TITLE – The title assigned to any particular class and use for reference to that class.

COMPENSATION – The salary or wages earned by any employee by reason of service in the position, but does not include allowances for expenses authorized and incurred as incidents to employment.

DEMOTION – The movement of an employee from a position in one class to a position in another class with a lower maximum pay rate.

DEPARTMENT HEAD – An employee designated either by statute or by an appointing authority to be responsible for the day to day operation of a Town department.

DISCHARGE OR DISMISSAL - The termination of employment for disciplinary cause.

DISCIPLINARY ACTION – An oral warning, written reprimand, suspension, demotion or dismissal taken for cause by the appropriate authority.

EFFECTIVE DATE – The date at the beginning of a payroll period following the eligibility date for a change in pay to be implemented.

ELIGIBLE – A person who has met the minimum requirements established for a position.

EMPLOYEE – A person occupying a position or a person who is on authorized leave of absence.

EMPLOYMENT DATE – The date on which an employee is appointed or reappointed to a position.

EXAMINATION – All of the tests of fitness taken together that are applied to determine the fitness of applicants for positions of any class.

FULL-TIME EMPLOYEE – An employee who has satisfactorily completed an initial probationary period and who regularly works a normal work week as specified in Chapter 6 of this By-Law, except that newly appointed uniformed members of the Police Department and the Fire Department who have satisfactorily completed an initial six (6) months of employment shall be considered full time employees for the purpose of entitlement to leave benefits under Chapter 7 only.

GRIEVANCE – A misunderstanding or disagreement between an employee and a supervisor that relates to working conditions and relationships, or to policies, rules and regulations.

HIGHER PAY CODE – A pay code with a higher maximum rate.

INCUMBENT – The current occupant of a position.

LAYOFF – The separation of an employee because of lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

LEAVE – An authorized absence from regularly scheduled work hours which has been approved by proper authority.

LOWER PAY CODE – A pay code with a lower maximum rate.

ORIGINAL APPOINTMENT – The competitive appointment of a person from outside Town employment to a specific continuing position in the Town.

OVERTIME – Time an employee is directed and authorized to work in excess of normal work hours in one week, as specified in Chapter 6 of this By-Law.

PART-TIME EMPLOYEE – An employee whose work week is less than the normal work week as specified in Chapter 6 of this By-Law.

PAY PLAN – A schedule of salary/wage rates, including any successive pay rate steps established as shown in Appendix A.

PERSONNEL ACTION – All activities affecting any aspect of an employee's status which include appointments and changes in appointments, original hiring, reemployment, transfer, promotion, demotion, changes in hours, reallocation, resignation, suspension, discharge, placement on leave, step increases, etc.

POSITION – A group of current duties and responsibilities assigned or delegated by appropriate authority to one person.

PROBATIONARY PERIOD – A working test period, following an original appointment, during which an employee is required to demonstrate, by conduct and actual performance of the duties, fitness for the position to which appointed.

PROBATIONARY EMPLOYEE – An employee who has not yet completed a probationary period of service.

PROMOTION – The movement of an employee from a position of one class to a position of another class with a higher maximum pay rate.

PROMOTIONAL EXAMINATION – An examination limited to permanent employees who meet the minimum qualifications set forth in the class specifications.

REGULAR EMPLOYEE – An employee who has satisfactorily completed an initial probationary period and who regularly works at least twenty hours per week.

REALLOCATION OR RECLASSIFICATION – The assignment of a position to a class different from the one to which it was previously assigned.

SEASONAL EMPLOYEE – An employee retained by the Town for a limited, specified period of time during the year, such as the summer months.

SUPPLEMENTAL BENEFITS – Also called fringe benefits, are those aspects and elements of compensation granted to the employee in addition to the wage or salary paid to him/her.

SUSPENSION – An involuntary absence without pay imposed on an employee for disciplinary action or pending final outcome of appeal.

TRANSFER – The movement of an employee from one position to another position of the same class or of another class having the same maximum pay rate involving the performance of similar duties and requiring essentially the same basic qualifications.

CHAPTER 17

MISCELLANEOUS

- 17-1 AMMENDMENTS – It shall be the duty of the Board, upon petition signed by five residents of the Town, or upon its own initiative, to hold public hearings, notice of which shall be given by publication in a newspaper published or having a circulation in the Town, at least seven days in advance, and by such other method as the Board deems necessary, to consider amendments to this By-Law. The Board shall make its recommendations with regard to any amendments at the Town Meeting at which such amendment is considered.
- 17-2 SEPARABILITY – If any provision of this By-Law, or the application of such provision to any person, or circumstance shall be held invalid, or is changed, modified, deleted or otherwise affected, the remainder of this By-Law, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.