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TOWN OF SHARON PERSONNEL BY-LAW

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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 wellbeing 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 their 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 – Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of political affiliation, race, color, religion, age, disability, national origin, sex, gender identity, sexual orientation, genetic information, pregnancy or a condition related to said pregnancy, ancestry or status as a veteran, or other non-merit factor will be prohibited except where such factor is a bona fide occupational requirement.

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: Chapter 7 in its entirety shall not apply to employees covered by a collective bargaining agreement, and if the provisions of any other chapter of this bylaw conflict with the provisions of a collective bargaining agreement, the terms of the collective bargaining agreement shall prevail. See G.L. c. 150E, §7(d)

1-5 ADMINISTRATION – The Human Resources Board shall administer the provisions of this By-Law otherwise provided herein and shall make final binding determinations with respect to the Classification Plan, Pay Plan, and supplementary benefits as approved by Town Meeting action.

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

The Town Administrator acting as Personnel Manager shall:

- a) Administer the rules and regulations of the Human Resources 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 Human Resources Board in writing all interpretations issued in areas where the By-Law is deemed to be unclear;
- c) Oversee and evaluate recruitment/hiring and promotion/demotion procedures;
- 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 Town Administrator 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. The Town Administrator shall advise the Human Resources Board of such action as soon as practicable;
 - 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 Town Administrator, such action is warranted;
 - 3) In the case of emergency or extraordinary circumstances, in the judgement of the Town Administrator, the Town Administrator is authorized to approve the employment of persons for a single period of employment not to exceed thirty (30) days duration. The Town Administrator shall advise the Human Resources Board of such action as soon as practicable; and
 - 4) In the exercise of e-1, e-2 and e-3 above, the Town Administrator will determine the appropriate classification/step level assignment in consideration of the best interest of the town, exigent circumstances, and qualifications of candidates.

CHAPTER 2: HUMAN RESOURCES BOARD

2-1 **ESTABLISHMENT OF A HUMAN RESOURCES BOARD** – There is hereby established a Human Resources Board consisting of five (5) members to be appointed by a selection committee consisting of the Town Moderator, the chair or designee of the Select Board, and the chair or designee of the Human Resources Board. Each member shall serve for a term of three (3) 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 Human Resources Board shall resign or otherwise vacate their office before the expiration of their term, a successor shall be appointed by the appointing authority to serve for the balance of the unexpired term.

2-2 **QUALIFICATIONS OF BOARD MEMBERS** – In making appointments to the Human Resources Board, the appointing authority shall give consideration to the human resource experience and other 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.

2-3 **CHAIRPERSON** – The Human Resources Board shall annually elect a chairperson and vice-chairperson. In the absence or incapacity of the chairperson, the vice-chairperson shall serve as chairperson. 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 (3) 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 meetings.

2-5 BARGAINING COMMITTEE ADVISOR - A representative of the Human Resources 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 Human Resources 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), no new employee shall assume their position, nor may any current employee assume a new position until the Human Resources 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 Classification and Pay 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 Classification and Pay 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:

- a) group together similar positions with a common class title;
- b) evaluate the complexity and responsibility of each class using a set of established factors;
- c) provide a means for evaluating requests to upgrade an individual position; and
- d) identify positions and classes across all Town departments that are at similar range of complexity and responsibility.

3-2 ADMINISTRATION OF CLASSIFICATION SYSTEM – The Human Resources Board is responsible for the administration of the Classification System. The Human Resources 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. The Human Resources Board, in consultation with the Town Administrator, shall perform periodic reviews of the objective factors and methodology used by the Human Resources Board for classification.

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:

- a) maintain current job descriptions for positions in their departments;
- b) review such job descriptions with employees upon request; and
- c) maintain current organizational charts.

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

3-4 APPEAL – An employee may appeal their classification or reclassification and a department head may appeal the classifications and reclassifications affecting employees in their department by filing a written request with the Human Resources 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 Human Resources 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) REAPPOINTMENT RATE – At the discretion of the department head and with written approval from the Human Resources 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.
- c) 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.
- d) 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, they shall continue to be paid at the same rate.
- e) DEMOTION – When an employee is demoted to a lower pay code, their salary shall be set at 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 any appropriate rate, as determined by the appointing authority with the approval of the Human Resources Board, in the lower pay code that is less than the existing salary if the action is for cause.

4-2 MANAGEMENT PAY PLAN – A sum of money shall be set aside to be allocated by the Select Board 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 Select Board will make salary recommendations for Town Meeting ratification with the concurrence of the Human Resources Board. If agreement cannot be reached, the Human Resources Board shall issue and present to the Town Meeting its comments upon the recommendation of the Select Board.

4-3 MAINTENANCE OF THE PLAN – The Human Resources 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.

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 work performance in completing 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 a collective bargaining agreement. 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 work performance and any strengths or areas in need of improvement in the employee's work performance should be discussed with the employee. The appropriate appointing authority will be responsible for evaluating the work 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 whether:

- a) the employee's work performance is satisfactory, and that the individual should be retained as a permanent employee in their classification;
- b) the employee's work performance or conduct is unsatisfactory, and their 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 in writing to the appropriate appointing authority who may terminate the employee; or
- c) an extension of the probationary period is desired for additional observation and the employee will continue in their 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 (6) months.

5-4 REMOVAL OF AN EMPLOYEE – (1) An employee may be removed during the probationary period if the employee is not meeting an acceptable level of work performance. The employee will be notified in writing as to the general reason(s) why they are 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 Human Resources Board.

5-5 PROBATIONARY PERIOD – EFFECT OF LEAVE – The provisions of the probationary period shall not affect leave earned under the provisions of Chapter 7 when the person appointed is an employee at the time of the permanent appointment. If an employee takes a leave of absence during the employee's probationary period, the length of the employee's probationary period shall be extended by an amount equivalent to the leave of absence.

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 them, may in an emergency or as a necessity, assign any schedule or hours of work that they deem appropriate. However, the department head or designee must notify the Human Resources 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 Human Resources 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. 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 twelve (12) paid holidays:

- a) New Year's Day
- b) Martin Luther King Day
- c) Presidents' Day
- d) Patriots' Day
- e) Memorial Day
- f) Juneteenth Independence Day
- g) Fourth of July
- h) Labor Day
- i) Indigenous People's Day
- j) Veteran's Day
- k) Thanksgiving Day
- l) 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.

7-5 VACATION LEAVE – Vacations shall be granted annually to full-time employees in accordance with applicable contracts and collective bargaining agreements.

No more than five (5) days' vacation leave shall be carried over to the next calendar year without the approval of the Human Resources Board acting on the recommendation of the Department Head. Vacation leave in excess of the five (5) days maximum carryover must be used prior to the start of the leave year or it is forfeited unless approved by the Human Resources 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; however, upon separation from employment an employee will receive payment for accrued and unused vacation in accordance with state law.

7-6 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.

7-7 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.

7-8 SICK LEAVE – Full-time employees shall accrue sick leave at the rate of one (1) day for each completed calendar month of paid employment. A full-time employee may only accumulate a maximum of one hundred thirty-two (132) days of sick leave. Sick leave may be used when personal illness or injury of the employee incapacitates them from performing assigned duties. Sick leave may also be used for personal emergencies when approved in accordance with 7-10. Such leave in excess of one hundred twenty (120) 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 Human Resources Board provided that all other accrued and available leave has been used.

7-9 REPORTING ILLNESS – In case of illness, an employee must report to their 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 workdays, 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.

7-10 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 their department head or designee prior to the absence unless there are extenuating circumstances.

7-11 JURY DUTY – An employee summoned to jury duty will be excused from their 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.

7-12 BEREAVEMENT LEAVE – Upon the death of the spouse, domestic partner, sibling, parent, child, stepchild, stepmother, stepfather, mother-in-law, father-in-law, son-in-law or daughter-in-law of an employee, the employee shall be allowed five (5) work days of absence without loss of pay or any supplementary benefits. In the case of the death of a grandparent, brother/sister-in-law, grandchild, the employee shall be allowed three (3) work days of leave without loss of pay or any supplementary benefits. In the case of the death of a parent or grandparent of a domestic partner, aunt, uncle, nephew or niece, the employee shall be allowed one (1) work day of leave without loss of pay or any supplemental benefits. Bereavement leave for relationships not covered by Section 7-12 of the Town's Personnel By-Laws shall be granted at the discretion of the Town Administrator.

7-13 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 (1) year. At the expiration of a leave without pay, the employee shall return to the same position or to a similar position. An employee shall not accrue seniority, vacation, or sick time during a leave of absence

without pay in excess of thirty (30) calendar days. Failure of an employee to return to work at the expiration of a leave without pay shall be grounds for the employee's immediate dismissal.

7-14 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 their military pay and their regular compensation as a town employee provided, however, such compensation shall be paid for not longer than four (4) weeks per fiscal year.

7-15 FUNERAL LEAVE – Paid time off may be granted at the discretion of the Town Administrator 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

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 they possess 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 Human Resources Board.
- b) ADVERTISING FOR POSITIONS OTHER THAN DEPARTMENT HEADS – The Town Administrator or Personnel Manager will be responsible for advising the public of vacancies in Town positions. Vacancies will be publicized 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, posting notices on the Town's website, social media pages, and through other online job posting sites, and listing the job with the Commonwealth's Workforce Development program. Additionally, recruitment efforts will be directed to encourage applicants from veterans, individuals with disabilities females and minorities.

- c) ADVERTISING FOR CERTAIN EXECUTIVE LEVEL POSITIONS – A Screening Committee comprised of a representative of the Human Resources Board, and up to four (4)

persons appointed by the appointing authority, will be responsible for recruiting and screening for certain executive level vacancies. Those positions subject to this provision are Town Administrator, Finance Director, Fire Chief, Police Chief, Superintendent of Public Works, Administrative Assessor, Public Health Administrator, Recreation Director, and Council on Aging Director. 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 CERTAIN EXECUTIVE LEVEL 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, as set forth in 8-2(c) above.
- c) **NOTIFICATION TO APPLICANTS** – The appointing authority will notify all candidates in a timely manner of their selection or non-selection for the position.
- d) **DOCUMENTING THE SELECTION PROCESS** – A record of the recruiting, examining, and appointing procedures used will be retained for one (1) year after vacancy is filled.

8-4 **EQUAL EMPLOYMENT OPPORTUNITY** – Discrimination in the selection process is prohibited, consistent with Town policy and state and Federal law.

CHAPTER 9: PROMOTION, DEMOTION, TRANSFER AND SEPARATION

9-1 **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.

9-2 DEMOTION – An employee may be demoted to a position in a lower pay code¹ for which they are qualified for any of the following reasons:

- a) When an employee would otherwise be laid off, because their position is being abolished as provided by Section 9-5(c);
- b) When their position is reclassified to a lower classification;
- c) When they voluntarily request a lower classification; or
- d) When an employee does not render satisfactory service in the position held.

9-3 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 Human Resources Board.

9-4 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 Human Resources Board may consider special circumstances in establishing pay rates for these actions.

9-5 SEPARATION – The following provisions govern separation from town employment:

- 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 their 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. An exit interview with the employee shall be conducted by the Department Head or the Town Administrator, during which the interviewer 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, skills 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.

¹ Refer to 4-1(f) for pay setting provisions.

For a period of two (2) 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 reenters 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 (2) 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 (2) years their service will be bridged at the time the employee has attained two (2) years of continuous service from the date of rehire.

CHAPTER 10: PERFORMANCE EVALUATION

10-1 POLICY – Annually, the appointing authority will evaluate the performance of each executive level position. This evaluation will be among the criteria used to determine annual compensation for all executive level positions.

10-2 PROCEDURE – The specific procedure for evaluating the performance of employees will be established by the appointing authority.

CHAPTER 11: DISCIPLINARY ACTIONS

11-1 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 when the employee fails to meet the performance or conduct standards for the employee’s position, or for the violation of any law, policy, or safety guideline. While it is not possible to list all forms of behavior that are considered unacceptable in the workplace, the following are examples of violations that may constitute 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.

11-2 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 their 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 up to and including termination; 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 (36) if not again reprimanded or otherwise disciplined during that thirty-six-month (36) period.
- c) SUSPENSION – A department head may suspend an employee without pay for up to, but not exceeding, thirty (30) 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 11-2e. 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 13-1 shall govern grievances resulting from action taken pursuant to Sections 11-2a, 11-2b and suspensions which do not exceed five (5) working days. A suspension in excess of five (5) working days or a dismissal shall not take effect until the employee has been notified of the charges against him or her and been provided with a reasonable opportunity to respond.

CHAPTER 12: CONDUCT OF EMPLOYEES

12-1 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.

12-2 CONFLICT OF INTEREST LAW – Employees are required to comply at all times with the provisions of the Massachusetts Conflict of Interest Law, M.G.L. c. 268A. Employees shall be provided annually with a summary of the Conflict of Interest Law. Within 30 days of initial employment, and every 2 years thereafter, all employees are required to complete training on the Conflict of Interest Law as prescribed by the State Ethics Commission.

CHAPTER 13: GRIEVANCE PROCEDURE

13-1 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 their grievance to their supervisor within ten (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 their regular duties. If the dispute involves the employee's workload or schedule, they 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 (5) workdays 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 (5) workdays, 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 (5) workdays 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 (5) workdays after the end of the said period and deliver a copy to all parties.

13-2 DISCRIMINATION COMPLAINT PROCEDURE – Complaints alleging discrimination shall be handled in accordance with the Town’s Nondiscrimination Policy.

CHAPTER 14: GENERAL PROVISIONS

14-1 ACCESS TO FACTS - The Human Resources 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 Human Resources Board and in such form as the Board may require.

14-2 DEPARTMENTAL APPROPRIATION – Each department head or other person charged with the responsibility of administering and approving payrolls shall include in their 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 Adjustment Section are to be made only in accordance with the Personnel Compensation By-Law.

14-3 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 Human Resources 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 Human Resources Board.

14-4 RECORDS – The records of the Board shall be maintained as the Board may decide and direct and shall be available as required under the Massachusetts Public Records Law, subject to applicable exemptions.

CHAPTER 15: 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 complaint made by an employee which alleges a violation of a provision of the Personnel Bylaw.

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.

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.

PERSONNEL ACTION – All activities affecting any aspect of an employee’s status including, but not limited to, appointments and changes in appointments, original hiring, reemployment, transfer, promotion, demotion, changes in hours, reallocation, resignation, suspension, discharge, placement on leave, step increases.

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 them.

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 16: MISCELLANEOUS

16-1 AMENDMENTS – It shall be the duty of the Board, upon petition signed by ten (10) registered voters 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 (7) 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.

16-2 SEVERABILITY – If any provision of this By-Law, or the application of such provision to any person, or circumstance shall be held invalid, 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.