

## Chapter 61. Personnel

[HISTORY: Adopted by the Town Meeting of the Town of Milton 10-23-2017 FTM by Art. 2 (Ch. 13 of the 3-10-1934 General Bylaws). Amendments noted where applicable.]

### ATTACHMENTS

Attachment 1 - Appendix A, Chapter 61 Employees 

### § 61-1. Enabling laws.

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

### § 61-2. Application coverage.

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

- A. In conformance with Chapter 41, Section 108, of the General Laws, as amended, salaries paid to elected Town Officials shall be established annually by vote of the Town. The Personnel Board may make recommendations as to equitable salaries for these positions.
- B. Positions and matters under the direction and control of the School Committee in conformance with Chapter 41, Section 108A, of the General Laws, as amended, shall not be included unless such inclusion shall be at the specific request of the School Committee.
- C. Applicable law and collective bargaining agreements will take precedence over any provision of the Plan where a conflict exists.

### § 61-3. Administration; Personnel Board appointment, authority.

#### A. Appointment procedure.

- (1) There shall be a Personnel Board, consisting of five unpaid members, each of whom shall be appointed by the Moderator for a term of five years, beginning the first day of June in the year of appointment. Terms of service shall be so arranged that the term of one member expires each year. Every member shall serve until his/her successor has been appointed. There shall be a Chair of the Board, designated by the Moderator each year and he/she shall hold office for one year beginning on the first day of June and until his/her successor is appointed. Vacancies in the membership of the Board shall be filled by the Moderator to cover the unexpired term of the vacated member. In the event of a vacancy in the office of Chair, the members of the Board shall elect a Chair to serve until the next first of June.

- (2) No Board members shall be in a paid service of the Town, whether elected, appointed or hired.

#### B. Authority of the Personnel Board.

- (1) The Personnel Board and the Town Administrator shall administer the provisions of this chapter as outlined above and shall resolve all relevant questions arising thereunder. The Plan shall utilize formal position evaluation procedures and a consideration of general current wage levels as a basis for determining equitable rates of compensation. The Personnel Board shall, from time to time, establish rules for the administration of the Plan and the conduct of its affairs not inconsistent with this chapter, and may at any time amend or revoke the same. Such rules shall include specifications for minimum requirements of every classified position. The Personnel Board shall from time to time review job classifications and job descriptions covered by the Plan and the salary schedules provided in the Plan.
- (2) The plan shall not be amended except at Annual Town Meeting, but the Personnel Board, upon the recommendation of the Town Administrator and the appointing authority, may add, abolish or reclassify positions in the Plan, and so far as permitted by law, change salary rates, all such action to be effective until the final adjournment of the next Annual Town Meeting.
- (3) The Personnel Board shall maintain the employee classification and salary schedules. These schedules may be subject to applicable law or collective bargaining agreements. In the event of any conflict with applicable law or with a collective bargaining agreement, the provisions of applicable law or the collective bargaining agreement currently in effect shall take precedence.
- (4) The Personnel Board is authorized to advise the Town Administrator during the collective bargaining planning process on developing economic and noneconomic trends, potential proposals and anticipated outcomes, but shall not participate during the actual collective bargaining process.
- (5) Each department, committee and board of the Town shall furnish the Personnel Board with all facts, figures and other information pertaining to the employees of the Town under their respective jurisdiction, as the Board shall require.

- (6) The Select Board shall establish and periodically review affirmative action and equal employment goals and guidelines for the Town.
- (7) The Personnel Board, with the cooperation of the Town Administrator, shall monitor and strive for diversity in the Town workforce by, among other things, promoting and overseeing compliance with the Town's affirmative action and equal employment opportunity guidelines and goals for all departments.
- (8) The Personnel Board shall report annually in writing to the Town, prior to the Annual Town Meeting, on the classification and salary schedules of the Town and the efforts of the Town to achieve the goals and policies of this chapter.

## § 61-4. Administration: Town Administrator authority.

- A. Notwithstanding any other provisions of this chapter, the Town Administrator shall be entrusted with the administration of the Town personnel system, which shall include, but not be limited to, personnel bylaws, personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, and collective bargaining agreements entered into by the Town.
- B. Pursuant to Chapter 65, Section 2(d), of the Acts of 2016, subject to the civil service laws and any collective bargaining agreements as may be applicable, the Town Administrator shall appoint, supervise and direct all department heads (except for the Consolidated Facilities Director) and Town employees, who are under the jurisdiction of the Select Board.
- C. The Town Administrator or other appointing authority, shall provide information to the Personnel Board on all new hires and promotions as they occur, and the Personnel Board may review, advise and/or report to the Town Administrator or other appointing authority on all promotions and new hires of Town employees in a timely fashion.
- D. The Town Administrator or his/her delegate has authority over the entire human resources and payroll process following the hiring of all Town employees. The Town Administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each Town department or entity, except the School Department. No person shall be employed by the Town unless in the opinion of the Town Administrator such person meets said requirements.
- E. The Town Administrator and other appointing authorities shall ensure fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, gender, gender identity, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), marital status, handicap/disability or religion. The Personnel Board shall oversee development, implementation of and adherence to policies relevant to said fair treatment and shall report the Town Meeting on compliance with these policies.
- F. The Town Administrator shall fix the compensation of all appointed officers and employees within the limits established by appropriation of Town Meeting. The provisions of this section shall apply to all Town employees, including, without limitations, employees who serve under elected or appointed Town boards, commissions and committees, excluding only the School Department. In instances where an appointment is recommended to the Town Administrator by an elected or appointed Town board, commission and committee, such appointment recommendation will only be altered, returned for further consideration or denied where the Town Administrator determines that a Town personnel policy or practice has not been followed.

## § 61-5. Classification plan establishment and implementation.

- A. Plan maintenance. The Plan requires the maintenance of accurate and detailed job descriptions and position requirements, the proper evaluation of same through the use of established job evaluation methodologies and the classification of said positions into job and salary grades. This classification process is managed exclusively by the Personnel Board for Chapter 61 positions (see Appendix A<sup>[1]</sup>) and in conjunction with collective bargaining agreement requirements for union positions.  
*[1] Editor's Note: Appendix A is included as an attachment to this chapter.*
- B. Current classifications and compensation values. All positions are hereby classified into groups or grades that represent substantially similar overall requirements, as evaluated, in accordance with the Plan. These values are contained in salary and job schedules referenced above. These schedules include minimum and maximum wage and salary rates, with intermediate step-rate increases, and reflect the value of specific services as currently performed. There shall not be a requirement to include the current schedule of weekly employee pay rates in a warrant article that seeks to amend the salary schedule of the Plan.
- C. Implementing the Plan.
  - (1) Any existing rates of present employees above the maximum shall become personal rates and shall apply only to the present incumbent. Such rates are not subject to general increases until such time as these rates are less than the Grade maximum as indicated in the Plan. When the incumbent leaves the employ of the Town, or is transferred to another position that carries a higher rate than his/her personal rate, or voluntarily changes to another position, the personal rate shall disappear. No other employee assigned to or hired for the position shall advance beyond the maximum of the job.
  - (2) The Personnel Board shall oversee the maintenance of up-to-date descriptions for each job or position in the Plan, describing the specific duties, requirements and characteristics of each, so as to permit a fair evaluation and/or reevaluation. These descriptions shall not be interpreted as being a complete or limiting definition of job requirements and it is expected that the employee will perform any duties assigned by those performing supervisory functions.
  - (3) As new jobs or positions are added to the Plan, or as changes take place in the specific requirements of those already evaluated, they shall be evaluated in accordance with the established procedures to determine the grade or change in grade, if any, resulting from such evaluation.
  - (4) Any employee advancing to a higher grade shall start at the lowest step in the new grade which does not reduce his/her compensation; provided, however, that the Town Administrator may start such employee in a higher step than prescribed when the Town Administrator concurs with the written opinion of the department head that special circumstances warrant such action. The signature of the Personnel Board Chair is required to effectuate such action.

- (5) Employees may be advanced by merit increases within their salary grade, one step each year as of July 1, until the maximum is reached. A new employee may be eligible to advance on July 1 to the next higher step of his/her grade if he/she has been in continuous Town employment for at least three months. If the employee has not been so employed for at least three months, the employee shall not be eligible for advancement until the second July 1 after employment. Every increase shall be made on the basis of merit only, upon the recommendation of the department head and with the approval of the Town Administrator. Where differences may exist, the employee may be granted a hearing for the purpose of receiving a clarification of the basis or decision in this area.
- (6) The Personnel Board shall be notified of all requisitions for persons to fill positions or perform duties, subject to the Plan and shall advise upon the appropriate classification to which such person shall be assigned.
- (7) Persons who have resided in the Town for at least one year immediately prior to the date of the filing of the requisitions to fill a position shall be granted a preference to be hired for said position ahead of persons who have not so resided. The Town Administrator may waive this requirement in any case where the appointing authority furnishes written reasons that the Town Administrator deems sufficient. In the case that the Town Administrator is the appointing authority, the Chair of the Select Board may waive this requirement when the Town Administrator furnishes written reasons that the Chair deems sufficient.

## § 61-6. Overtime and fringe benefits.

- A. The payment of overtime will be determined in accordance with federal and state wage and hour laws and collective bargaining agreements.
- B. The Personnel Board shall establish policies and procedures governing fringe benefits to be granted to employees who are covered by the chapter (Chapter **61** employees), including without limitation paid holidays, vacations, sick leave, paid leave for jury duty or for military duty, retirement, extra compensation for extended service, bereavement leave, accumulated sick leave, personal days and maternity-adoption leave. Such fringe benefits shall comply with applicable requirements of federal law and Massachusetts law. The Personnel Board shall oversee the maintenance of written records of all fringe benefit policies and procedures.

## § 61-7. Miscellaneous general provisions and policies.

- A. No department head or employee receiving compensation from the Town may engage in private work that has any relation to Town affairs or to their official duties or responsibilities.
- B. Employees shall not receive compensation by way of salaries, wages or fees from more than one department, Board or Committee unless such compensation is approved by the Personnel Board and is in compliance with Massachusetts General Laws Chapter 268A, and other applicable law.
- C. Provisions in this chapter requiring or authorizing payments of compensation are in every case subject to appropriations being made, from time to time, by Town Meeting, unless such payments are otherwise authorized by law.
- D. No present employee's wage or salary or paid vacation shall be reduced as a result of the implementation of the Plan.
- E. If any provision of this Plan shall conflict with any Civil Service Law or any other law presently or hereinafter in force, such a provision of this Plan shall be deemed modified, but only to the extent required to conform to law.
- F. The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.
- G. All personnel policies referring to regular part-time employees' proportionate benefits will be calculated based on the number of part-time hours worked per week as compared to the number of full-time hours worked per week within the same position classification.

## § 61-8. Dispute resolution process.

- A. There shall be a dispute resolution process available to Chapter **61** employees. As used in this section, the word "dispute" shall be construed to mean a dispute between an employee and his/her supervisor(s) concerning discharge, removal, suspension, layoff, transfer, or reduction in compensation or rank. Only employees who have completed a six-month probationary period shall be eligible to initiate a dispute resolution process.
- B. Steps.
  - (1) Step I. The employee shall take up his/her dispute orally with his/her immediate supervisor who shall reach a decision and communicate it orally to the employee within three working days from the date on which the incident giving rise to the dispute has occurred.
  - (2) Step II. If the dispute is not settled at Step I, the employee shall within five working days thereafter present his/her dispute in writing to his/her supervisor who shall forward it to the department head who shall hold a hearing within five working days. Within five working days of the hearing the department head shall render his/her decision in writing to the employee.
  - (3) Step III. If the grievance is not settled at Step II, all records and facts in the case shall be referred to the Town Administrator for adjudication. If the Town Administrator finds that the action of the supervisor was justified, such action shall be affirmed, otherwise the action relating to the employee may be reversed and/or modified and the employee may be returned to his/her position with or without loss of compensation. Within 10 working days of the hearing the employee shall be notified in writing through the department head as to the decision of the Town Administrator, which shall be final.