DRAFT MEMORANDUM

Re: Human Resources Process

From: Town Government Study Committee

Date: August 21, 2015 draft

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1 - Executive Summary

The Town Government Study Committee ("TGSC") recommends clarification of the Board and staff responsibilities for defining and managing the human resource functions for all departments within the Town with the exception of the School Department and the Municipal Light Plant. Many of the recommendations detailed in this memo are set forth in a proposed Special Act and through proposed changes to the Town bylaws. The remainder of the recommendations will be left to administrative action once the Special Act and bylaw amendments become effective.

This memorandum is written in three parts.

- The first part describes the current human resource process as defined by the Town bylaws.
- The second part is an effort to describe the process as it actually takes place today.
- The third part proposes a new process that incorporates improvements in our current practices, including a clear definition of the role of the Human Resources Board ("HR Board") and Human Resources Director ("HR Director"), changes in the role of Town Meeting, and the role of the Town Manager.

The TGSC recommends that the Town Manager, under the Special Act and revised bylaws, would be responsible for establishing and managing the human resource functions. While much of the current functions and practices would remain in place, the Town Manager working with the HR Director would standardize the human resource processes and procedures while ensuring that important checks and balances remain in place. Elected and appointed boards would continue to have an important role in hiring and evaluating department heads. The role of the HR Director would be more clearly defined, and the role of the HR Board would adjust to establish compatibility with the role of the HR Director and the Town Manager.

The key aspects of the human resource functions as proposed by the TGSC are as follows with greater detail and information included within this memorandum:

- The Town Manager will appoint Department Heads, subject to approval of the applicable board, if any. A board will have 15 calendar days to act on the Town Manager's appointment or the appointment will automatically become effective. It is envisioned that the screening processes will be collaborative and will include a member or members of the applicable board;
- The BoS shall approve the recommendation of the Town Manager of the Police and Fire Chiefs;
- The Town Manager, with the HR Director, will establish policies and procedures for the hiring of all employees below the level of Department Heads;
- The Town Manager will be responsible for negotiation of all non-school labor contracts, subject to approval by the Board of Selectmen;

- The Town Manager will be the Town member of the School Committee for the purposes of labor negotiations pursuant to the Education Reform Act;
- The Town Manager, with the HR Director, will establish uniform and standard processes and procedures for the performance evaluation of all employees, for professional development, and for the disciplinary processes of reprimand, suspension, demotion, and if necessary, termination;
- The HR Director will be responsible for all of the HR administrative functions such as: administration of the Salary and Classification Plans and Personnel Policies; review of work of employees to determine whether the position is properly classified; administration of the recruitment process; maintenance of personnel records; recommendation of amendments to the Salary and Classification Plans and Personnel Policies; ensure compliance with all applicable state and federal laws, rules, and regulations; assistance in collective bargaining; and handling requests for information related to the human resources functions;
- Although the majority of the communities with a Town Manager form of government do not have an HR or Personnel Board, the TGSC is recommending that Wellesley retain the HR Board appointed by the Moderator, thus preserving checks and balances in the HR process. The HR Board will be responsible, following consultation with the Town Manager and the HR Director, for approving the Personnel Policies, Classification Plan, and Compensation Plan, and for setting a salary for a new hire above the mid-point of a salary range. The HR Board will also be available to the Town Manager and HR Director for consultation on HR issues

2 – Background

The TGSC assessed the current structure and function of Wellesley's town government through dozens of interviews with Town staff and board members. In addition, the TGSC conducted detailed interviews with twelve benchmark communities. As a result of these interviews, we developed findings regarding human resource functions and personnel management. The findings related to the current functioning of Wellesley's government are that we have:

- A strong and robust group of dedicated volunteers
- A committed and engaged professional employees
- Strong leadership that has provided direction in absence of much authority to do so with the ability to get some big things done in spite of the organization structure
- A collaborative culture among Town boards and departments often emerges when needed
- A financially healthy Town
- General satisfaction with how things are going.

We also came to understand that there are significant concerns that need to be addressed:

- Nobody is in charge - there is a lack of accountability and internal coordination in the budget, general management, personnel, and planning processes
- There is an over-reliance on the ability of current long-time employees to collaborate and get things done despite structural impediments
- There is a lack of ongoing coordinated Town-wide planning for the future
- There are weak communications internally and externally
- There is a lack of understanding and agreement about difference between board policy and staff operational responsibilities
- Bylaws and actual practices are frequently inconsistent.

Additionally, we found the following opportunities for improvement in the Human Resources area to:

- Establish uniform policies and procedures ensuring consistency among all employees in hiring, personnel administration including compensation, performance evaluation, training, and professional development
- Create a uniformly consistent high quality of customer service throughout the Town government
- Create flexibility and efficiencies of staffing and identify opportunities for professional growth
- Foster a culture of collaboration and improve internal communication and
- Develop a strong, integrated cross-departmental management team.

We have developed a recommended human resources approach based on our understanding of our Town's culture, our desire to provide an effective system of checks and balances, and our study of practices in a dozen "benchmark"communities. These communities are among the best structured and managed in the Commonwealth, and represent a variety of alternative models for Wellesley. The recommendations of the TGSC are intentionally broad, understanding that the details of how the processes will work will evolve over time. We believe that change should be a deliberate process, with opportunities for reflection and re-assessment. We envision a gradual evolution in these changes, while strongly recommending the adoption now of features that we think will resolve some of the critical issues that we've identified.

3 - Current Bylaws/Policies

Current Town by-laws, Articles 30 and 31, provide the framework for the development and administration of a Salary Plan, Classification Plan, and Personnel Policies. These Articles establish the Human Resources Board, and the position of Human Resources Director. While the bylaws spell out in some detail the role of the HR Board, they are completely silent on the role of the HR Director.

In addition, other sections of the bylaws provide for appointment of officials and staff by a variety of other officials and bodies. For example, Bylaw 19.7 establishes the responsibility of the Board of Selectmen to appoint certain officials and employees; Bylaws 19.33 and Section 40.4 provide that the Executive Director of General Government Services shall appoint individuals to certain positions; and other sections of the bylaws provide for the appointment of Department Heads. Appendix 1 lists the bylaw provisions related to human resources and hiring.

The Personnel Policies are developed by the HR Board and approved by Town Meeting (Bylaw 30.10). These Personnel Policies proscribe an advisory and administrative role for the HR Department for hiring. The details are included in Personnel Policy 1 Section IV A. There is still a great deal of latitude and discretion given to the individual Departments, and the practices are therefore inconsistent.

Town Bylaw 6.3 provides that each Board is responsible for the performance of its appointees and persons employed by the board:

"6.3. Staff Performance. Each board is responsible for the faithful and competent performance of duties by persons employed or appointed by it. The Town Clerk shall have the same responsibility with regard to persons the Town Clerk employs."

Personnel Policies describe in two sections the personnel evaluation process – Personnel Policy 10 and Personnel Policy 11. The intent of these sections of the bylaws and Personnel Policy is to introduce consistency among all Town employees in the evaluation process, and eligibility for merit pay increases for management

personnel including Department Heads. Evaluation of Department Heads is done by their board, and boards are also to review subordinates in their Department per Policy 11 IV 4:

"Each Board, Committee or Commission is responsible for reviewing the evaluations and approving or disapproving the merit increase recommendations of their subordinates. The Board, Committee or Commission shall evaluate the individual or individuals reporting directly to them in the manner prescribed above and determine the appropriate increase to be granted.

After review of the recommendations of their staff and after considering the amount of money available for merit increases, each Board, Committee or Commission shall approve appropriate increases in accordance with the Salary Plan and this Policy and Procedures."

4 - Current Practice

While it is clear that the intent of our various bylaws and policies are intended to establish uniformity and consistency in personnel administration throughout the Town, it appears that in practice this goal is not met. In interviews with Department Heads, Boards, and other individuals within or formerly within Town government in Wellesley, a picture emerges of HR practices that differ from Town bylaws and policies. Some of these practices work well, and others are in need of improvement. One of the common threads, however, is inconsistency in the application of the HR function among the Departments. While a complete review of every single HR process is not feasible in this report, a summary review of some of the major processes follows.

Hiring – In general, the hiring process throughout the Town government works well. When a vacancy occurs, the job description is reviewed and modified if needed. The position is re-classified if needed. A requisition is completed by the requesting department and signed by the Executive Director. The HR Director handles the recruitment in consultation with the department doing the hiring – sometimes particular positions need to be advertised in particular ways through trade associations, etc. For higher level positions such as Department Head positions, screening committees are created. The HR Department handles all of the administrative functions of receiving resumes and applications, record keeping, contact with applicants, scheduling interviews, and reference checks.

The process is still not fully standardized nor is it consistent among departments. For example, sometimes a board or individual board member will want to see all of the applicants' resumes, thereby short circuiting the screening committee. Additionally, the chief executive in Town has no input into the hiring of most Department Heads and staff.

Proposed Practice

The Town needs to develop and adhere to a standardized hiring process for similar positions regardless of Department.

General Personnel issues – There is a considerable lack of consistency in the application of a number of general personnel issues that, at times, can expose the Town to liability. For example, in addressing the issue of leave related to an employee's non-job-related injury/illness, one department permits employees to return to work on a modified basis without any medical evaluation other than the employee's doctor's note, while another Department working through the HR Director ordered a "fitness for duty" medical evaluation to determine functional capacity and determined that the employee could not go back to the employee's previous job. In addition to issues of inconsistency, there is a potentially serious financial liability to the Town in allowing employees to return to work without the proper medical evaluation.

Proposed Practice

Departments need to utilize the knowledge and experience of the HR Department in addressing situations that are personnel based, so that the experience of the HR Director in knowing best practices of how to deal with these issues can be utilized, and so that decisions can be made on a uniform and consistent basis.

Discipline – Because there is little involvement of a centralized HR function and chief executive regarding disciplinary cases, there are sometimes inconsistent applications of discipline. In some recent examples, discipline that was contested by a union showed inconsistencies within the same union but within different departments, which makes disciplinary actions difficult to sustain and more susceptible to challenge. The HR Department is often brought into a disciplinary issue very late in the process, if at all, and the broad organizational view of HR and their expertise and availability of resources are not utilized.

Proposed Practice

The Human Resources Director should be brought into disciplinary cases immediately, before any resolution of the case is determined. This may include simple consultation via a phone call, or more extensive involvement such as attendance at a disciplinary hearing. Discipline ultimately imposed by a single operating officer with input from HR will result in a more consistent and professionalized process.

Performance Reviews – The Town has, in its Personnel Policies, a well thought out and articulated process for conducting performance reviews for senior management level positions included in Job Group 50 and above (the Management Pay Plan), as well as for all other employees. The HR Department has attempted to establish a standardized performance review process, and it has included efforts at training employees and boards which will be doing evaluations. While their efforts have been significant, the success of implemented standardized performance review has been limited. Within the established performance review structure, there are wide variations in how these reviews are actually carried out. The system itself as developed by the HR Department addresses the capability of the least experienced Board and Department Heads to carry out the evaluations.

For Department Heads, many of whom are reviewed by elected or appointed boards, the inconsistency is significant. Performance reviews for Department Heads are particularly important because of the important functions that Department Heads perform, and also because the reviews will determine the Department Head's eligibility for merit pay. The review process also requires the establishment of annual goals. For some departments, there is a strategic plan and the goals flow from that document. For others, the chair does the review and the nature and extent of the goals can vary based on the individual priorities of the chair. Depending on the engagement and experience of the chair, the Department Head being evaluated develops draft goals and those are often accepted by the chair without being discussed or challenged. Finally, the working relationship between the board and the Department Head often makes it difficult or uncomfortable for a fully candid performance review to take place. In one example, a Department Head was underperforming for a significant period of time when measured by the observation of co-workers, yet the employee was given glowing evaluations by the employee's board. Additional inconsistency of evaluations from year to year may occur because of a change in the chairmanship of the boards, and there are instances in which lack of timeliness of the performance review has delayed the deserved merit increase of a Department Head.

There is inconsistency among boards in making recommendations for merit increases. In addition, there is a perception among some employees and boards that the boards are ill-equipped to carry out this responsibility because they may only see their Department Head 4 or 5 hours a month, and then they do not

understand or see the full scope of the employee activities including interaction with other Department Heads and Town staff, and residents.

Proposed Practice

With the appointment of Department Heads being done by the Town Manager with the approval of the applicable board, performance reviews of Department Heads should all be done by the Town Manager. Performance Reviews of all other staff should be done by their supervisor. The input of the boards should be sought as part of the performance review of Department Heads that have a board. All staff who are responsible for evaluation of other staff should be trained by the Human Resources Director annually. Annual goals should be set for all staff including Department Heads using the best practices at that time – currently best practices require that the goals should be SMART - Specific, Measurable, Achievable, Relevant, and Time-bound. The HR Department should establish, manage, and maintain the organization-wide evaluation system, and should seek the input of Department Heads, Boards, employees, and unions in developing and modifying the evaluation instrument(s).

Collective Bargaining –The Executive Director of General Government Services is usually the lead Town representative in collective bargaining, often with the involvement with staff from the HR Department and staff from the applicable board. The School Committee and the Superintendent are the lead in collective bargaining with the School unions. The various union contracts and the Town's personnel policies differ in major ways in the benefits offered to employees. Only the Town Manager and the HR Director have a clear picture of all of the different benefits offered to each of the unions and non-union employees. Respecting the collective bargaining process and the differences among working conditions among different departments of the Town, it should be a goal to have as much consistency as possible among the benefits for all groups of Town employees. This year the HR Director will be participating in some of the collective bargaining.

The Executive Director of General Government Services sits as a member of the School Committee for purposes of Collective Bargaining, and this process works well. The Executive Director does not sit in on bargaining sessions – neither do School Committee members. But he is an active participant in the discussion of strategy, and per statute, he votes as a member of the School Committee on the approval of contracts.

Proposed Practice

The Town should establish a process for Collective Bargaining that includes pre-bargaining strategizing by the Town Manager, HR Director, Finance Director and Department Head. The applicable board's input as it relates to their policy making role of their specific function of government should be sought. In those sessions, the overall strategy should be established, including working towards the standardization of benefits and language. A specific package of proposals for each union should be developed and reviewed with the Board of Selectmen in Executive Session in advance of the beginning of bargaining. Members of boards including the Board of Selectmen should be consulted prior to the bargaining process but should not participate in the process as Town representatives at the bargaining table. There may also be a need for communication with the Board of Selectmen and applicable Board during the Collective Bargaining process, as long as this consultation is consistent with the guidelines agreed to by the Union and the Town. The Town Manager should then establish the Town's bargaining team, which in all cases should include the HR Director and the Department Head. The Town bargaining team will consult with the applicable board or others in the course of bargaining. Collective Bargaining agreements for Town unions are all subject to approval by the Board of Selectmen.

The Town Manager should be an active participant in discussions with the School Committee and the Superintendent of Schools in developing the strategy with respect to bargaining School union contracts. The HR Director should be involved in this process to advise the Town Manager with respect to key issues related to consistency with Town benefits and policies.

Professional Development – There is a significant variation among departments as to the level of professional development offered. Some of the professional development funding is correctly allocated to the various departments because it is unique or specific to that department; however there is no centralized pool of funding for professional development, and therefore larger departments tend to budget more resources for this purpose than do smaller departments.

As an example of the extreme difference in professional development, one department has offered an employee the resources to complete an advanced college degree. In other departments, there are not adequate funds to provide for a course in basic office computer systems.

Proposed Practice

There should be established basic standardized organization-wide policies for professional development to be created and administered by the HR Director. These policies need to recognize that there are differences in the need for various types of professional development in different departments, and also the different standards and norms for professional development in different professions.

There should be a centralized pool of funds for professional development within the HR budget, in addition to the department-specific professional development funds. The amount of funding in the centralized pool should be phased in over 2 or 3 years. The HR Director would be responsible for administering the Professional Development fund in accordance with the policies.

General Administration – The Human Resources Department is busy and theoretically has wide sweeping responsibility for HR functions in the entire Town government structure. In fact, for some issues, the HR Department does have a broad role – such as in assisting in the negotiation and implementation of the recent changes in the health insurance program. However, while some departments appear to be willing and anxious for the HR Department to take on the full range of functions envisioned by the various bylaws, others do not take full advantage of the services currently available.

In addition to the functions noted above, it would be reasonable for the HR Director to have a broader and earlier role in the budget process so that issues of reclassification and new positions can be vetted as early as possible with the most accurate information available.

Proposed Practice

The bylaws should clearly spell out the role, responsibility and powers of the HR Department and its Director.

The Town Manager needs to make clear to the Department Heads, boards, and other staff what the responsibilities of the HR Department are so that there is little or no organizational confusion.

5 – Summary

The following summarizes the major recommendations with regard to the Human Resources functions. These recommendations, most of which are repeated from section 4 above, are categorized by method of implementation. :

The Special Act should spell out the following responsibilities of the Town Manager:

- The Town Manager will appoint Department Heads, subject to approval of the applicable Board, if any. The Board will have 15 calendar days to act on the Town Manager's appointment or the appointment will automatically become effective. It is envisioned that the screening process will be collaborative and will include a member or members of the applicable Board;

The BoS shall approve the recommendation of the Town Manager of the appointment of the Police and Fire Chiefs;

The Town Manager shall have the authority to terminate a department head with notice to the applicable Board, in advance if possible.

- The Town Manager, with the HR Director, will establish policies and procedures for the hiring of all employees below the level of Department Heads;

- The Town Manager will ultimately be responsible for negotiation of all non-school labor contracts, subject to approval by the Board of Selectmen;

- The Town Manager will be the Town member of the School Committee for the purposes of labor negotiations pursuant to the Education Reform Act;

The following should be spelled out in amended bylaws:

- The Town Manager, with the HR Director, will establish uniform and standard processes and procedures for whose implementation the Town Manager shall be ultimately responsible, for the performance evaluation of all employees, for professional development, and for the disciplinary processes of reprimand, suspension, demotion, and if necessary, termination;

- The HR Director will be responsible for all of the HR administrative functions such as: administration of the Salary and Classification Plans and Personnel Policies; review of work of employees to determine whether the position is properly classified; administration of recruitment process; maintenance of personnel records; recommendation of amendments to the Salary and Classification Plans and Personnel Policies; rendering of compliance advice; assistance in collective bargaining; training of Boards and staff of all departments regarding personnel practices and procedures, and handling requests for information;

- The bylaws should clearly spell out the role, responsibility and powers of the HR Department and its Director.

- Although the majority of the communities with a Town Manager form of government do not have an HR or Personnel Board, the TGSC is recommending that Wellesley retain the HR Board appointed by the Moderator, thus preserving checks and balances in the HR process. The HR Board will be responsible, following consultation with the Town Manager and the HR Director, for approving the Classification Plan, Compensation Plan, initial hiring above a designated level, and Personnel Policies.

The following are administrative recommendations to be considered by the Town Manager and HR Director:

- The Town needs to develop and adhere to a standardized hiring process for similar positions regardless of Department.

- Departments need to utilize the knowledge and experience of the HR Department in addressing situations that are personnel based, so that the experience of the HR Director in knowing best practices of

how to deal with these issues can be utilized, and so that decisions can be made on a uniform and consistent basis.

- The Human Resources Director should be brought into disciplinary cases immediately, before any resolution of the case is determined. This may include simple consultation via a phone call, or more extensive involvement such as attendance at a disciplinary hearing. The Town Manager will decide on the imposition of discipline.

- With the appointment of Department Heads being done by the Town Manager, performance reviews of Department Heads should all be done by the Town Manager. Performance reviews of all other staff should be done by their supervisor. The input of the boards should be sought as part of the performance review of Department Heads that have a board. All staff who are responsible for evaluation of other staff should be trained by the HR Department annually. Annual goals should be set for all staff including Department Heads using current best practices which require that the goals should be SMART - Specific, Measurable, Achievable, Relevant, and Time-bound. The HR Department should establish, manage, and maintain the organization-wide evaluation system, and should seek the input of Department Heads, Boards, employees, and unions in developing and modifying the evaluation instrument(s).

- The Town should establish a process for Collective Bargaining that includes pre-bargaining strategizing by the Town Manager, HR Director, Finance Director and Department Head. The applicable board's input as it relates to the board's policy making role of their specific function of government should be sought. In those sessions, the overall strategy should be established, including working towards the standardization of benefits and language. A specific package of proposals for each union should be developed and reviewed with the Board of Selectmen in Executive Session in advance of the beginning of bargaining. Members of boards including the Board of Selectmen should be consulted prior to the bargaining process but should not participate in the process as Town representatives at the bargaining table. The Town Manager should then establish the Town's bargaining team, which in all cases should include the HR Director and the Department Head. The Town bargaining team will consult with the applicable board or others in the course of bargaining.

- The Town Manager should be an active participant in discussions with the School Committee and the Superintendent of Schools in developing the strategy with respect to bargaining School union contracts. The HR Director should be involved in this process to advise the Town Manager with respect to key issues related to consistency with Town benefits and policies.

- There should be established basic standardized organization-wide policies for professional development, to be developed and administered by the HR Director. These policies need to recognize the differences in need for various types of professional development in different departments, and also the different standards and norms for professional development in different professions.

- There should be a centralized pool of funds for professional development within the HR budget, and the amount of funding should be phased in over 2 or 3 years. The HR Director would be responsible for administering the Professional Development fund in accordance with the policies.

- The Town Manager needs to make clear to the Department Heads, boards, and other staff what the responsibilities of the HR Department are so that there is little or organizational confusion.

These actions, taken collectively, will establish a uniform, consistent, and modern system of Human Resources administration that will continue to encompass appropriate levels of checks and balances, but will be nimble enough to be responsive to changing circumstances. The proposed amendments to Articles 30 and 31 of the

Town bylaws will establish the duties of the new Chief Operating Officer (the Town Manager), strengthen the role of the Human Resources Director, and realign the responsibilities of the Human Resources Board within a Town Manager/ Selectmen form of government.

Appendix 1

Major HR Provisions in Benchmark Towns

Acton (Town Manager)

From Acton Charter

Section 4-1 (f) Hiring responsibilities - The selectmen shall hire people for the following positions:

TITLE	LENGTH OF TERM (YEARS)
Town Accountant	3
Town Counsel	1
Town Manager	3
Town Clerk	3

Section 4-3(g) Town Manager: Powers and duties of town manager. In addition to the powers and duties provided elsewhere in this charter the town manager shall have the powers and duties enumerated in this section:

7) The town manager shall hire all town employees, except school employees and the town accountant, town clerk and town counsel. The town manager shall hire an administrative assistant, a town treasurer and a town collector or a town treasurer-collector subject to the approval of the board of selectmen.

Andover (Town Manager)

From Andover Charter

Section 3 Appointed Officials.

(d) The town manager shall appoint, subject to the approval of the board of selectmen, upon merit and fitness alone, and may, subject to the provisions of chapter 31 of the General Laws where applicable, remove for cause a town clerk, town treasurer, a tax collector, a board of public health, a planning board, a board of assessors, a board of library trustees, a town counsel, and all other officers, boards, committees and employees of the town, with the exception of the elected officials specified in section two, and the employees of such elected officials.

Section 4 Memberships,Terms, Powers, Duties and Responsibilities.

….Officers, boards, commissions and committees appointed by the town manager shall possess all the powers and rights and shall be subject to all the duties and liabilities specifically conferred or imposed by any applicable provision of law upon them or upon officers, boards, commissions or committees having corresponding powers and duties, but in the performance thereof they shall be subject to the general supervision of the town manager.

Section 10 Powers and Duties of Town Manager.

In addition to other powers and duties expressly provided for in this act, the Town Manager shall have the following powers and duties:

(c) The town manager shall fix the compensation of all town officers and employees appointed by him, subject to any applicable provisions of chapter 31 of the General Laws.

Belmont (Town Administrator)

From Town Bylaws

Section 40-200 Board of Selectmen. Part G:

(2) As provided in Chapter 376 of the Acts of 2010, there shall be a Police Chief appointed by the Board of Selectmen who shall have and exercise all the powers and discharge all the duties conferred by law generally upon police chiefs. The Chief shall appoint such police officers as the Chief deems necessary, and may remove the same at any time for cause after a hearing. The Chief shall have full and absolute authority in the administration of the Police Department, including the appointment and removal of special and auxiliary police officers and other personnel, shall make all rules and regulations for the Department's operation, shall report to the Board of Selectmen from time to time as the Board may require, and shall annually report to the Town the condition of the Department with the Chief's recommendations thereon. The Chief shall fix the compensation of all members of the Department, subject to the approval of the Board of Selectmen. The Chief shall be in immediate control of all Town property used by the Department, and of the police officers, whom the Chief shall assign to their respective duties and who shall obey the Chief's orders.[Amended 4-29-2013 ATM, approved 10-9-2013]

(3) The Selectmen shall appoint a permanent Fire Chief who shall be in charge of the Fire Department.

(4) The Board of Selectmen may appoint a Town Administrator for a term of one or three years and may remove the Town Administrator so appointed at its discretion. The Town Administrator shall be sworn to the faithful performance of his or her duties. During the time that he or she holds office the Town Administrator shall hold no elective Town office but may be appointed by the Selectmen or, with their approval, by any other Town officer, board, committee or commission to any other Town office or position consistent with the office. The Town Administrator shall receive such aggregate compensation, not exceeding the amount appropriated therefor, as the Selectmen may determine. The Town Administrator shall act by and for the Selectmen in any matter which they may assign to him or her relating to the administration of the affairs of the Town or of any Town office or department under their supervision and control and, with the approval of the Selectmen, may perform such other duties as may be requested of him or her by any other Town officer, board, committee or commission.

(5) The Selectmen may appoint and prescribe the duties of a Director of Public Works who shall be especially fitted by education, training, and experience to perform the duties of said office. Such Director shall not be subject to the provisions of MGL c. 31. The term of office of the Director shall be determined by the Selectmen and said Director shall serve at the pleasure of the Selectmen.

Section 50-100 Classification Plan, Salary Plan and Personnel Policy Guide

Pursuant to MGL c. 41, § 108C, the Town Meeting shall adopt and may amend from time to time a Classification Plan classifying into groups and classes all positions other than those filled by popular election and those under control of the School Committee and shall in like manner adopt and may amend from time to time a Salary Plan and Personnel Policy Guide which applies to all positions except elected officials, employees with personal contracts, employees covered by a collective bargaining agreement, and employees of the School Department.

(5) The Selectmen may appoint and prescribe the duties of a Director of Public Works who shall be especially fitted by education, training, and experience to perform the duties of said office. Such Director shall not be subject to the provisions of MGL c. 31. The term of office of the Director shall be determined by the Selectmen and said Director shall serve at the pleasure of the Selectmen.

Concord (Town Manager)

From Town Charter

SECTION 2. Appointed Officials

D. The town manager shall appoint, upon merit and fitness alone, and may remove for cause:

1. a town clerk, a town treasurer, a town collector and a board of five assessors, subject however, in each instance, to the approval of the selectmen;

2. all other officers, boards, committees and employees of the town, with the exception of the elected officials specified in Section 1 [**note:** Moderator, Board of Selectmen and School Committee], officials, boards and committees appointed by the school committee and by the selectmen and moderator as herein before in this Section 2 provided [**note:** library committee, a planning board, a board of appeals, a town accountant, trustees of town donations, a personnel board, a public ceremonies and celebrations committee , election officers, registrars of voters and others] and employees of the same.

SECTION 9. Powers and Duties of Town Manager

C. With respect to the wage or salary and classification of employees appointed by the town manager, he shall be governed by the provisions of the "Wage and Salary Classification Plan - Town of Concord, Massachusetts", as the same may be amended from time to time and for so long as the same may remain in force.

Lexington (Town Manager)

From the Special Act: Chapter 753 of the Acts of 1968 as amended

Section 2 Appointed Officials

(d) The town manager shall appoint, subject to the approval of the board of selectmen:

1. a board of health,

2. a conservation commission, and

3. a recreation committee

(e) The town manager shall appoint a town clerk, a town treasurer, a tax collector, a permanent building committee, a board of assessors, constables, a chief of police, a fire chief, a director of civil defense, a planning director, with the approval of the planning board, a director of public works, a building commissioner, a cemetery superintendent and, except as provided in subparagraphs (a), (b), (c) and (d) [**Note:** certain enumerated positions], all other officers, boards, committees, commissions and employees of the town with the exception of the elected officials specified in section one [**Note:** Moderator, Board of Selectmen, School Committee, Housing Authority and Planning Board] and secretarial assistants to the selectmen, employees of the school department and the housing authority and professional and semiprofessional employees of the library.

Needham (Town Manager)

From the Charter

Section 20. Appointed Officials

(c) The town manager shall appoint, subject to the approval of the board of selectmen: a chief of the police department; a chief of the fire department; a director of public works; an assistant town manager/director of finance or person performing said function regardless of title; and an assistant town manager/personnel director, or person performing said function regardless of title. Appointments made by the town manager shall become effective upon the approval of the board of selectmen. If the board of selectmen shall fail to act, appointments

made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the board of selectmen. For the purposes of this section, notice of appointment shall be considered filed with the board of selectmen when the notice is filed at an open meeting of the board of selectmen.

(d) The town manager shall be the appointing authority for the following officials and employees of the town:

(1) A town accountant, a town treasurer/tax collector, a planning director, an administrative assessor, an inspector of buildings, a director of public health, a director of veterans' services, a director of park and recreation, a director of youth services, a director of management information systems, an executive director of the council on aging, a library director, a town engineer, a director of municipal building maintenance, and a building construction and renovation manager; or persons performing said functions regardless of title.

(2) All other employees and officials of the town for whom no other method of selection is provided in this charter, with the exception of the executive secretary of the finance committee, who shall be appointed by that committee, and employees of the school department.

(e) Any appointment by the town manager in accordance with subsection (d) 1 shall be subject to the approval of the elected or appointed board or committee having jurisdiction over a department, if any. Appointments made by the town manager shall become effective upon the approval of said board or committee. If said board or committee shall fail to act, appointments made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with said board or committee. For the purposes of this section, notice of appointment shall be considered filed with said board of committee when such notice is filed at an open meeting of the board or committee.

(f) Any person so appointed by the town manager under subsections (c) and (d), who is not subject to chapter 31 of the General Laws, may be removed by the town manager; provided, however, that no removal shall be made of officers listed in subsection (c), except with the approval of the selectmen, and that no removal shall be made of other employees or officers until the town manager consults with the elected or appointed boards or committees having jurisdiction over that employee's department, if any. Removal of officers listed in subsection (c) shall become effective upon the approval of the board of selectmen. If the board of selectmen shall fail to act, removals made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed removal is filed with the board of selectmen. For the purposes of this section, notice of removal shall be considered filed with the board of selectmen when such notice is filed at a meeting of the board of selectmen.

Section 20B Powers and duties of the Town Manager

(1) The town manager shall supervise, either directly or through a person or persons appointed by him in accordance with this charter, all department managers, except the school department managers. The town manager shall be responsible for the efficient administration of all departments except the school department. The town manager shall not, however, exercise any control over the discretionary power vested by statute in any board, committee, commission or officer.

(5) Subject to the approval of the board of selectmen, and with the oversight of the personnel board, as outlined below, the town manager shall adopt rules and regulations establishing a personnel system. The personnel system shall make use of modern concepts of personnel management and shall include, but not be limited to, the following elements: (i) a method of administration; (ii) personnel policies indicating the rights, obligations and benefits of employees; (iii) a classification plan; (iv) a compensation plan; (v) a method of recruiting and selecting employees based on merit principles; (vi) a centralized record keeping system; (vii) disciplinary and grievance procedures; (viii) a professional development and training program; and (ix) other elements that are deemed necessary. All town agencies and positions shall be subject to the rules and regulations adopted under this section, excluding employees of the school department, and as otherwise provided under chapter 150E of the General Laws.

Personnel policies referenced in clause (ii) or changes to such policies, shall not be submitted to the board of selectmen without the prior review and approval of the personnel board. Classification plans or compensation plan referenced in clauses (iii) or (iv), or changes to such plans, shall not be submitted to the board of selectmen for approval until as the town manager has submitted the plan or plan revision to the personnel board for review and comment and, provided the comments are made within 15 days of submission, has provided written response to any comment made by the personnel board. In all other aspects of the personnel system, the town manager shall confer with the personnel board.

(6) The town manager shall fix the compensation of all town employees except

those under the jurisdiction of the school committee within the limits established by appropriation and subject to chapter 150E of the General Laws.

Reading (Town Manager)

From Reading Home Rule Charter as adopted in 2015

5.2 Powers and Duties

The Town Manager shall be the Chief Administrative Officer of the Town and shall be responsible to the Board of Selectmen for the proper administration of all Town affairs placed in his charge by or under the Charter. The Town Manager's powers and duties shall include:

b To appoint and remove, subject to the civil service laws where applicable, the Police Chief, Fire Chief, Appraiser and all employees for whom no other method of appointment is provided in the Charter, except persons serving under the School Committee, Municipal Light Board of Commissioners or Board of Library Trustees, and appointments made by the representatives of the Commonwealth of Massachusetts. The Town Manager's appointment of the Police Chief and Fire Chief shall be subject to confirmation by the Board of Selectmen. The Town Manager's appointment of the Appraiser shall be subject to confirmation by the Board of Assessors.

c To administer all personnel policies, practices and related matters for all municipal employees as established by any compensation plan, personnel policy guide or Town Bylaw, and all collective bargaining agreements entered into by the Board of Selectmen on behalf of the Town.

d To fix the compensation of all Town officers and employees appointed by him within the limits established by applicable appropriations and any compensation plan adopted by the Town Meeting.

Sudbury (Town Manager)

From the Special Act: Chapter 131 of the Acts of 1994

PART IV. ADMINISTRATIVE OFFICER/TOWN MANAGER.

Section 8. Appointment responsibilities.

Except as otherwise provided by this act, the town manager shall appoint, based upon merit and fitness alone, a director of finance, a police chief, a fire chief, a town clerk, a treasurer-collector, a director of assessing, a director of public works and all department heads and officers, subordinates, and employees under the direct supervision of the town manager and officers, subordinates, employees for whom no other method of selection is provided in this act, except employees of the school and health departments. The town manager may appoint ad hoc committees as is deemed necessary.

Section 9. Personnel management responsibilities.

The personnel management powers, duties and responsibilities of the town manager shall include, but are not intended to be limited to, the following:

(a) to administer and to adopt personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements, except for school department agreements, entered into by the town.

(b) to fix compensation of all town employees and officers appointed by the Town Manager within the limits established by appropriation and any applicable compensation plan and/or collective bargaining agreements.

(c) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment, except employees of the school department; such contracts shall be subject to the approval of the board of selectmen. The town manager may, subject to the approval of the board of selectmen, employ special counsel to assist in the performance of these duties.

Wayland (Town Administrator)

From the Special Act: Acts of 2004, Chapter 320

SECTION 2**.** Notwithstanding any general or special law to the contrary, subject to ratification by majority vote of the full membership of the board of selectmen, the town administrator may appoint solely on the basis of merit and fitness: (i) a police chief (ii) a fire chief, and (iii) a finance director, who shall have the authority and responsibilities of a town accountant; and, without ratification by the board of selectmen (iv) a building commissioner, (v) 1 or 2 directors of the council on aging, (vi) a conservation administrator, (vii) a town treasurer and collector; and (viii) such other town officers, department heads and employees under the jurisdiction of the board of selectmen, except for members of appointed boards or committees, as authorized by order of the board of selectmen or by-law of the town. The town administrator shall have the power and authority to evaluate, discipline and, for cause, remove the appointees from all of those positions. The town administrator shall consult with relevant primary boards and committees working with the department heads before implementing personnel related actions.

SECTION 3. Notwithstanding any general or special law to the contrary, with respect to a department head working for an elected board other than the board of selectmen, the town administrator shall report to the elected board on the employee's job performance, at a minimum as part of the annual evaluation process, and advise to the elected board on personnel hiring and removal. Evaluation reports shall address under the code of the town of Wayland, chapter 60, section 2.2 (a) to (h), inclusive, thereof, and other similar interactions. Final authority over hiring, evaluating, disciplining and removal will remain with the elected boards, with input provided by the town administrator.

From the Bylaws

Section 43-2

A. There shall be a Personnel Board of 5 members appointed by the Selectmen. The Selectmen shall also have the power to fill Personnel Board vacancies. The term of appointment shall be for 5 years, except where the appointment is to fill a vacancy, and then it shall be to fill the unexpired term. No member of the Personnel Board shall be an employee of the Town or hold Town office. Members of the Personnel Board shall serve without compensation.

B. The Personnel Board shall have the following powers and duties:

(1) To develop and administer this chapter and the Wage and Salary Classification Plan (hereinafter called "this chapter" and "the plan") and personnel policies and procedures in cooperation with the Town boards and departments affected.

(2) To approve all pay or classification changes of Town employees, including all hiring rates and classifications.

(3) To negotiate collective bargaining agreements for the Town, after having met in advance with the Board of Selectmen and the Finance Committee to discuss the forthcoming negotiations.

(4) To establish such central personnel files for all employees as it deems useful in the administration of this chapter and the plan.

(5) To review the operation of the plan annually, including minimum and maximum wage and salary brackets, and to recommend to the Town any appropriate changes.

C. In the case of any dispute concerning the interpretation or administration of this chapter and the plan, the decision of the Personnel Board shall be final, subject to an appeal to the Town at the next Town meeting.

Section 43-3

A. The positions of all nonelected Town employees are classified under the following job titles with the wage and salary rates set forth. (Refer to § 43-4.)

B. The Personnel Board may prepare such additional job descriptions to supplement the foregoing job titles as it deems necessary. Upon classification of said job description, the employing agency shall submit a funding request to the Finance Committee for subsequent budget action by Town meeting and shall comply with policies and procedures established from time to time by the Personnel Board.

C. If it becomes necessary during any year for any Town board, commission, committee, department or official (hereinafter referred to as an "employing agency") to hire a regular employee to do work not covered by an existing classification, the Personnel Board may establish a temporary new classification, but the same shall be submitted to the Town as a proposed amendment to the plan in the next warrant for a regular Town meeting.

D. Upon request of an employing agency, the Personnel Board is authorized, for cause shown, to convert an hourly rate shown in the foregoing schedule into a salary, or a salary into an hourly rate, provided that no change shall be made which will increase or reduce the average earnings of any employee.

E. The wages and salaries of Town employees shall be fixed in strict accordance with this plan. No employing agency shall pay or employ any person at a salary or wage not fixed in accordance with this plan and approved by the Personnel Board hereunder, nor shall the Personnel Board approve a salary or wage that was not previously proposed by or reviewed with the employing agency. In administering this section, the Personnel Board shall take into consideration any and all employee fringe benefits.

Weston (Town Manager)

From the Special Act: Acts of 2001, as amended

Section 2

(c) Appoint all town officers and employees whose appointments are not otherwise provided for in this act. The town manager shall also organize and implement the hiring process, which shall include the preparation of position descriptions in consultation with the relevant appointing authority, where applicable, and shall set compensation, recruit, interview and, where required, test.

(ii) The town manager shall recommend to the board of selectmen for its appointment candidates for the positions of town clerk, chief of the fire department, forest warden, police chief, and director of public works. The board of selectmen shall approve or disapprove the recommendation by a majority vote, and shall not appoint any individual to 1 of these positions who has not been recommended for that position by the town manager.

(iii) Positions of department heads, or in the absence of department heads, chief staff employees, for elected or appointed boards other than the board of selectmen, at Grade 6 or above in the town's personnel classification plan, shall be appointed by their respective board by majority vote, with the concurrence of the town manager.

(iv) The town manager may conduct interviews for positions described in paragraphs (ii) and (iii), with the relevant board, as the town manager and such board shall mutually agree. Neither the town manager nor the respective board shall dismiss an individual from 1 of the positions set forth in paragraphs (ii) and (iii) without the concurrence of the other.

(v)

(1)…..

(2) the library board of trustees, in consultation with the town manager, shall retain the authority to appoint and dismiss the library director, and all other library employees shall be appointed and dismissed by the library director in consultation with the town manager.

(vi) All other employees shall be appointed and dismissed by their respective department head, or in the absence of a department head, by the chief staff employee, in consultation and concurrence with the town manager and in accordance with employment practices established by the town manager.

(d) Except as to the board of selectmen, every elected or appointed town board shall directly supervise its department head, or in the absence of a department head, its chief staff employee, except with respect to personnel, financial and administrative technology practices in their departments, as to which the town manager shall have supervisory authority. All other employees shall be supervised by the town manager, his designee, or by the department head, or the chief staff employee of their department.

Westwood (Town Administrator)

From the Charter

3.4.1 The board [of Selectmen] shall have the power to fill by appointment the offices of: police chief, fire chief, department of public works director and town counsel.

6.2.1 The town administrator shall be the chief administrative officer of the town and shall be directly responsible to the board of selectmen. The town administrator shall supervise, direct and be responsible for the efficient administration of all functions under the administrator's control as may be authorized by the charter, by town by-law, by town meeting vote or by the vote of the board of selectmen, including all department heads and employees appointed by the town administrator or the board of selectmen, and their respective departments, and shall coordinate activities of all town departments. The powers and duties of the town administrator shall include, but not be limited to, the power or duty to:

(a)(i) appoint, discipline, suspend or remove town officers, department heads or principal deputies or agents of elected and appointed boards or officers, and other employees, including employees in civil service positions, for whom no other method of selection is provided by the charter or general or special laws, consistent with the town's personnel policies and subject to the terms of any applicable collective bargaining agreements; provided, however, that the town administrator shall keep the chairman of the board of selectmen, or the chairman's designee, informed as to status of all personnel decisions made or to be made hereunder and shall consult with the appropriate department head or principal deputy or agent prior to hiring an employee for that department;

(ii) appointments or removals of town officers, department heads or principal deputies or agents of elected and appointed boards or officers made by the town administrator under paragraph (i) shall become effective on the 15th day following the day notice of proposed appointment or removal is filed with the board of selectmen unless said board, within that period, rejects such appointment or removal, or has sooner voted to affirm it; copies of notices of proposed appointments, as filed with the board of selectmen, shall simultaneously be posted on the town bulletin board.

(iii) the town administrator shall consult with the board of selectmen prior to appointing a finance director under section 8-1-2 of this charter; provided, that such appointment shall be subject to subsection (a) of section 6-2-1.

(b) supervise and direct all appointed department heads and principal deputies or agents of part-time or volunteer elected and appointed boards or officers in a manner consistent with the town's personnel policies.

From the Bylaws

Section 90-3. Town Administrator

Pursuant to Section 6-2-1(k) of the Town Charter, the Town Administrator is responsible for administering personnel policies, practices, rules and regulations, compensation and classification plan and related matters, in consultation with the Personnel Board, for all municipal employees and administering all collective bargaining agreements entered into by the Town.

Additionally, pursuant to Section 6-2-1(a)(i) of the Town Charter, the Town Administrator is authorized to appoint, discipline, suspend or remove Town officers, department heads or principal deputies or agents of elected and appointed boards or officers, and other employees, including employees in civil service positions, for whom no other method of selection is provided by the charter or general or special laws, consistent with the Town's personnel policies and subject to the terms of any applicable collective bargaining agreements; provided, however, that the Town Administrator shall keep the chairman of the Board of Selectmen, or the chairman's designee, informed as to status of all personnel decisions made or to be made hereunder and shall consult with the appropriate department head or principal deputy or agent prior to hiring an employee for that department.

Section 90-4. Human Resources functions

The Town Administrator may organize human resources and personnel functions in a Human Resources Department. Subject to appropriation, the Town Administrator may, consistent with the provisions of Section 6-2-1(a)(i) and (ii) of the Charter, appoint a Human Resources Director to act by and for the Administrator to impartially and equitably oversee all personnel activities and responsibilities of the Town, other than employees of the School Department; provided, however, that the Town Administrator shall retain responsibility for all such delegated acts.

Section 90-5. Personnel Board

A. Composition; mode of selection; term of office; qualifications. The Moderator shall appoint a Personnel Board consisting of five persons for three-year overlapping terms as provided in Section 7-4-1 of the Town Charter. Each term of office shall commence 30 days following the adjournment of the business session of the Annual Town Meeting, and every member shall serve until a successor is qualified. Any registered voter of the Town may be appointed to the Board; provided, however, that no elected official of the Town or Town employee shall be appointed to the Board. The Board shall annually elect a Chairperson and a Vice Chairperson from its membership at the first meeting following the appointment of new members, and may reorganize as necessary or appropriate. Any three members of the Board shall constitute a quorum for the transaction of business. The affirmative vote of three members shall be necessary for any official act of the Board to be effective.

B. Powers and duties. The Board shall be responsible for formulating recommendations on and reviewing the classification and compensation plans, which plans shall be subject to such approval as required by law. The Personnel Board shall also evaluate classification of positions generally, including requests for reclassification, and cause a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices. The Personnel Board shall also, in consultation with the Town Administrator, monitor the implementation and practices of the Town's personnel policies. Finally, the Personnel Board shall provide advice and assistance, to the extent requested, to the Town Administrator and Human Resources Director on any aspect of personnel policies and practices.

Winchester (Town Manager)

From the Charter

Article 4 Town Manager

Section 4 -2 Powers and Duties

(b) He shall appoint, and may remove subject to the civil service laws where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in the charter, except persons serving under other elected agencies and appointments made by representatives of the Commonwealth. Appointments made by the town manager shall become effective on the fifteenth day following the day notice of

appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period, by a majority vote of the full board, vote to reject any such appointment. Appointments of a temporary or seasonal nature shall become effective immediately.

(c) He shall be entrusted with the administration of all personnel policies, practices and related matters for all municipal employees as established by the compensation plan, the personnel policy guide, by-law, and all collective bargaining agreements entered into by the board of selectmen on behalf of the town. (d) He shall fix the compensation of all town officers and employees appointed by him within the limits established by appropriations and the compensation plan adopted by the town meeting.

(d) He shall fix the compensation of all town officers and employees appointed by him within the limits established by appropriations and the compensation plan adopted by the town meeting.

APPENDIX 2

WELLESLEY BYLAWS ARTICLES 30 AND 31

ARTICLE 30. HUMAN RESOURCES BOARD *(Renamed ATM 2000)*

30.1. Membership. The Town shall have a Human Resources Board consisting of five residents appointed by the Moderator. No member shall be a member of another board, or an officer, official or paid employee of the Town,

except that a Town Meeting Member may be a member of the Board. At least two members shall have either education or experience in personnel management or labor relations.

30.2. Term. The term of office shall be three years commencing on July 1.

30.3. Administer Plans. The Board shall administer the Classification and Salary Plans, and shall establish policies and procedures, consistent with those Plans, as it deems necessary for the administration thereof.

30.4. Human Resources Director. The Board shall appoint a Human Resources Director and such staff as it deems necessary.

30.5. Review Work. The Board shall, as necessary and appropriate and consistent with good human resources practices, review the work of all positions subject to the Classification Plan. Such reviews shall be so scheduled as to respond to requests by department heads or upon the Board's initiative when it becomes aware of circumstances that indicate that a review is appropriate. As a result of such review, the Board may tentatively add a new position to the Classification Plan or reclassify an existing position to a different group subject to the subsequent ratification of its action by a formal amendment of the Classification Plan at the next annual or special Town Meeting. *(Amended ATM 2010 Art 6, m 1)*

30.6. Review Salary Plan. The Board shall, from time to time, review the Salary Plan. It shall keep informed as to pay rates and policies outside the service of the Town, and shall recommend to the Town any action which it deems desirable to maintain a fair and equitable pay level.

30.7. Variances in Salary Plan. Upon recommendation of an officer supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Board, the Board may authorize an entrance rate higher than the minimum rate for a position, and such other variances in the Salary Plan as it may deem necessary for the proper functioning of the services of the Town.

30.8. Recruitment. The Board shall recruit applicants for positions in the Classification Plan.

30.9. Records. The Board shall maintain such records as are necessary to comply with fair employment practice laws and the rules of appropriate regulatory agencies, and maintain personnel records of all employees in the Classification Plan, including therein such information as it deems desirable.

30.10. Personnel Policies Nonunion Employees. The Board shall recommend personnel policies and procedures to all boards, officers and officials relating to their employees, and shall establish subject to approval by Town Meeting and administer such procedures and policies for all Town employees not covered by collective bargaining agreements.

30.11. Compliance Advice. The Board shall advise all boards, officers and officials as to compliance with applicable fair employment practice laws and other applicable state and federal laws and regulations.

30.12. Collective Bargaining Agent. The Board shall act as the collective bargaining agent for the School Committee when so directed by that Committee, or for any other board when so directed by the Selectmen.

30.13. Civil Service Law. Nothing in this article, or in the Salary Plan, shall be construed to conflict with Chapter 31 of the General Laws.

30.14. Requests for Information. All boards, officers, officials and employees thereof shall furnish such information to the Human Resources Board as it shall request in the performance of its duties.

30.15. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 31. CLASSIFICATION AND SALARY PLANS

31.1. Classification Plan. The positions of all officers and employees in the service of the Town (whether full time, part time, seasonal, casual, special, Civil Service, or others) other than those positions filled by popular election and those under the direction and control of the School Committee, are hereby classified by titles in the groups listed in Schedule A entitled "Job Classification by Groups" which follows this article and is made a part hereof. (See Appendix)

31.2. New or Changed Positions. Whenever a new position is established that is not included in a collective bargaining unit, or the duties of an existing position not included in a collective bargaining unit are so changed that in effect a new position is created, upon presentation of substantiating data satisfactory to the Human Resources Board, the Board shall allocate such new or changed position to its appropriate group. The allocation of new or changed positions included in collective bargaining units shall be subject to negotiations as required by Chapter 150E of the Massachusetts General Laws. *(Amended ATM 2010 Art 6)*

31.3. Titles of Positions. No person shall be appointed, employed or paid as an employee in any position subject to the provisions of the Classification Plan under any title other than those of the Classification Plan or under any title other than that of the job the duties of which are actually performed. The job title in the Plan shall be the official title for all purposes having to do with the position and shall be used to designate the position in all payrolls, budget estimates and official reports, and in every other connection involving personnel and fiscal processes.

31.4. Reclassification of Employees. No employee may be reclassified to a job in another group, either higher or lower, until the Human Resources Board shall have determined such reclassification will be consistent with the Classification and Salary Plans. There shall be only one reclassification in any twelve-month period for any employee except in unusual circumstances.

31.5. Job Descriptions. The Human Resources Board shall maintain written job descriptions of the jobs, or positions, in the Classification Plan, describing the essential characteristics, requirements and general duties of the jobs. The descriptions shall not be interpreted as complete or limiting definitions of any job, and employees shall continue in the future, as in the past, to perform any duties assigned by department heads, supervisors, or other administrative authority.

31.6. Salary Plan. A Salary Plan is to be established by vote of the Town Meeting to provide minimum and maximum salaries, or single rate salaries, for the groups and positions in the Classification Plan. The salary range, or rate, of a group shall be the salary range, or rate, for all positions classified in the group.

31.7. Amendment to Plans. The Classification and Salary Plans may be amended by a majority vote of Town Meeting. *(Amended ATM 2001)* No amendment of either plan shall be made until it has been presented by signed petition to the Human Resources Board and acted upon by the Board. Upon receipt of such a petition, the Board, after giving the petitioners, the heads of the departments and employees affected at least three days' written notice, shall hold a hearing of the parties interested to consider the proposed amendment. If the Human Resources Board shall fail to act on an amendment so presented within fifteen days after the hearing thereon, the Board shall be deemed to have disapproved the amendment. The petition may then be presented to the Town Meeting, if so desired. The Board may, of its own motion, after a similar hearing of the parties interested, propose an amendment to either Plan.