

## **ARTICLE 30. HUMAN RESOURCES**

**Note: Title of the Article has been changed from “Human Resources Board” to “Human Resources” to reflect the content of the article. Deletions are indicated by strike-outs; new language is underlined.**

**30.1. Human Resources Board 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; provided, except however, 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. Human Resources Director.** In accordance with the provisions of Section 20.3.b., ~~The Board~~ the Town Manager shall appoint a Human Resources Director and such other staff ~~as it deems necessary~~ for whom funding has been provided.

**Note: This section was Section 30.4. and is now Section 30.3. Section 20.3.b. sets out the procedure for the appointment of the Director and staff by the Town Manager.**

**30.4. Administer Plans.** The ~~Board~~ Director shall administer the Classification and Salary Plans approved pursuant to Article 31, and collective bargaining agreements. ~~and~~ The Town Manager, with the assistance of the Director shall establish procedures, consistent with those Plans, as the Town Manager deems necessary for the administration thereof.

**Note: The old section 30.3 was moved here and the Director’s duties specifically include administration of the collective bargaining agreements. The word “procedures” is now used to make it clear that the Town Manager and Director will establish “procedures” for the administration of the two Plans and collective bargaining agreements.**

**30.5. Review Work.** The ~~Board~~ Director 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 either ~~as~~ to respond to requests by department heads or upon the ~~Board’s~~ Director’s initiative when ~~it~~ the Director 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~~ Director may recommend and the Board may approve 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.~~

**Note: The Director has assumed new responsibilities vis-à-vis the Board by making recommendations for Board action. Town Meeting’s role in the ratification of changes to the Classification Plan has been eliminated.**

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

**Note:** Changes here provide that the Director recommends to the Board on policy issues (i.e., Salary Plan) and the Board, not Town Meeting, approves.

**30.7. Variancections from in Salary Plan.** Upon recommendation of ~~an officer~~ the Director, 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~~ mid-point rate for a position, and such other ~~variances~~ variations from the Salary Plan as it may deem necessary for the proper functioning of the services of the Town.

**Note:** Again the Director, not the department head, makes the recommendation for an entrance rate higher than the mid-point of the range (no longer the minimum rate) .

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

**Note:** The responsibility for administrative matters is moved from the Board to the Director.

**30.9. Records.** The ~~Board~~ Director shall maintain such records and file such reports 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 ~~‡ the Director~~ deems desirable.

**30.10. Personnel Policies ~~Nonunion Employees.~~** The ~~Board~~ Director shall recommend and the Board may approve, following a public hearing with not less than three days' notice to the ~~heads of the department heads and the employees to whom the amendment applies,~~ personnel policies and procedures which shall apply applicable to all boards, officers and officials, relating to their and employees of the Town except employees of the School Committee and the Municipal Light Board. ~~and the Director shall establish subject to approval by Town Meeting and administer such procedures and policies for all Town employees. not covered by collective bargaining agreements.~~

**Note:** The process for making changes to the Personnel Policies is set out. Town Meeting's role has been eliminated and a public hearing has been substituted. The Director recommends on the policy and the Board approves. A distinction has been made between "procedures" administered by the Director and "policies" within the purview of the Board.

**30.11. Compliance Advice.** The ~~Board~~ Director 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.~~

**Note: This section has been eliminated. The Town Manager will act as the collective bargaining agent as provided in the Special Act and in Article 20.3.k.**

**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 Director~~ as ~~it~~ the Director shall request in the performance of ~~its~~ the Director's duties.

**Note: Here again the Director is assuming administrative responsibilities formerly held by the Board.**

**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 under the direction and control of the School Committee, ~~are hereby~~ shall be classified by titles in ~~the~~ groups set forth in a Classification Plan as approved and, from time to time, amended by the Human Resources Board. ~~Listed in Schedule A entitled "Job Classification by Groups" which follows this article and is made a part hereof (See Appendix)~~

**Note: Since Town Meeting will not be ratifying changes to the Classification Plan, it is no longer necessary to append the Schedule to the Town Bylaws.**

**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 by the Director of Human Resources of substantiating data satisfactory to the Human Resources Board, the Board shall allocate such new or changed position to its appropriate group in the Classification Plan. 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.

**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~~ Director 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 construed as an employment contract and 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~~ shall be established and, from time to time, amended by vote of the ~~Town Meeting Board~~ 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.

**Note: Here the Board, not Town Meeting, will determine the Salary Plan. Of course, Town Meeting retains the responsibility to FUND the salaries.**

**31.7. Amendment to Plans.** No amendment of either the Classification Plan or the Salary Plan shall be made until it has been presented to the Board with the Director's recommendation thereon. The procedures for amending the Classification and Salary Plans shall be as follows:

- a. For the Classification Plan, upon receipt of a recommendation from the Director, the Board shall give the department heads and employees to whom the amendment applies at least three days' written notice, and may then consider the proposed amendment.
- b. For the Salary Plan, upon receipt of a recommendation from the Director, the Board shall give the department heads and employees to whom the amendment applies at least three days' written notice and shall provide for legal notice in a manner determined by the Board, and then shall hold a hearing to consider the proposed amendment.

**Note: The role of Town Meeting is changed here, too. It will no longer vote on changes to the Classification and Salary Plans. The provision distinguishes between the Classification Plan, which is amended several times during the course of the year. Notice is to be given to the department heads and employees to whom the amendment applies. The Salary Plan, however, because it is amended only annually requires "legal notice". Below is the current Section 31.7. The changes are not noted**

because they are so extensive.

**31.7. Amendment to Plans.** The Classification and Salary Plans may be amended by a majority vote of Town Meeting. 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 Services 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.