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# **HUMAN RESOURCES REVIEW EAST BRIDGEWATER, MASSACHUSETTS**

## **DECEMBER 2020**

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## **INTRODUCTION**

After receiving a Community Compact Grant, the Town of East Bridgewater (the “Town”) engaged the Collins Center for Public Management to conduct a human resources review (Review). The Review was commissioned to document the current state of the human resources systems, staffing, policies and practices. The purpose of the Review was also to identify areas of deficit, policies to be adopted and provide recommendations for improvement.

As communities and personnel issues have grown more complex, the responsibilities of town administration have also changed, expanded and placed more federal and state compliance demands on municipalities. As such, many municipalities have encountered difficulties in keeping up with the legal requirements of employment, benefit and labor laws which can be difficult particularly in the fast-changing human resources landscape. Employment laws, state and federal mandates and the changing workforce have necessitated municipalities to be more flexible and able to make policy changes in an efficient manner.

The current status of the Town’s employment policies is evolving. The current Town Administrator has made marked strides in professionalizing the Town’s human resource operations. Examples of these efforts include replacement of an outdated and cumbersome personnel bylaw (hereinafter referred to as the “existing personnel bylaw”), drafting a “new” personnel bylaw, uploading policies and documents to the Town webpage, updating the Town’s job application and making it and other employment documents available online and drafting an employee handbook with revised and updated Town policies. The new personnel bylaw which was passed at the 2020 Annual Town Meeting does not take effect until July 2021, and the draft employee handbook has not yet been finalized. Thus, this review of the Town’s human resource operations required consideration of how the Town currently functions, as well as how the proposed changes may affect human resource systems moving forward.

## **SUMMARY OF RECOMMENDATIONS**

The Collins Center's recommendations support the Town's current initiatives for a more centralized human resource function. The primary recommendations are as follows:

1. The Collins Center recommends establishing the position of Human Resource Director. Doing so will allow one central point of contact for human resource functions and provide internal management of human resource issues, lessening the reliance upon Town Labor Counsel;
2. Centralize human resources functions, including the centralization of personnel records, hiring and policy administration;
3. Evaluate removing the Town's Police Department from Civil Service;
4. Standardize probationary periods for all employees, including union employees, to a minimum of 6 months;
5. Update job descriptions to accurately reflect current job responsibilities;
6. Conduct a classification and compensation study to survey comparable communities and determine average and median wages for positions;
7. Conduct a Training Needs Assessment and develop a schedule for comprehensive employee training, as well as management training for department heads;
8. Continue to review and update human resources policies;
9. Address the findings and recommendations regarding various human resource functions and personnel policies contained within this Review.

## **METHODOLOGY**

The methodology utilized for the Review was interviews with key personnel, including the Town Administrator, Town Accountant, Town Treasurer / Collector, Benefits Coordinator (position was also referred to as Assistant Treasurer), Chief of Police, Chief of the Fire Department, Department of Public Works Director and Administrative Assistant to the Town Administrator. In addition to the interviews, numerous documents, collective bargaining agreements and policies were reviewed.

## **DISCUSSION**

The term “human resources” is broad and includes a host of functions. Human resource functions can be characterized as transactional or strategic. According to the Society for Human Resources Management (SHRM), human resources has evolved through the years from “personnel” administration to “human resources” management.

Personnel administration is the title formerly assigned to human resources duties. In the 1980s, personnel administration consisted of enrolling employees in benefit plans, processing and distributing paychecks, hiring, suspending and firing employees. The personnel department was merely an administrative function of the business. Concepts such as human capital or human resource management later emerged as HR began to play a bigger role in the strategic direction of the organization. Personnel administration matured into human resources, which evolved in two separate but connected ways -- strategic and transactional or functional HR.

Transactional human resources are the “traditional” functions of benefits administration, policy development and administration, position descriptions, payroll, worker’s compensation, personnel file maintenance, collective bargaining agreement administration, vacancy posting and collecting applications and resumes. According to SHRM, these “transactional” functions are a way of “managing the employment relationship from recruitment and processing employees through retirement.”

On the other hand, strategic human resource functions deal with the strategic direction of the organization and include long term goals. According to SHRM “HR needs to be approached from a holistic point of view encompassing every function of human capital management” and that organizational leadership, should work towards “creating an effective human resources infrastructure that supports an employee-centric, service-oriented strategic human resources organization.” Strategic functions include long term planning, employee relations, training, succession planning, customer service and talent retention and development.

### **EAST BRIDGEWATER HUMAN RESOURCE STRUCTURE**

The Town of East Bridgewater has approximately 100 employees and 431 full-time school employees. The Town’s Human Resource (HR) functions are in flux. The Town Administrator is just into his second year of employment and has taken several steps to streamline and professionalize the Town’s HR functions, including a new personnel bylaw which was passed at the 2020 Annual Town Meeting (effective July 2021). The existing personnel bylaw codifies the Town’s sick leave policy, holidays, personal days, bereavement, longevity, leaves of absence.

One of the major changes made by the new personnel bylaw is to shift much of the authority for administration of human resources and compensation issues to the Town Administrator who is designated as the Personnel Administrator (also referred to as the Human Resource Director within the bylaw). The new bylaw also improves HR administration by removing codification of HR policies (such as leaves of absence, holidays, sick leave) from the bylaw and memorializing them in policies, which is a significant improvement as it allows greater flexibility for updating those policies. Throughout this report reference is made to the Town Administrator or his office as a contact for personnel issues. Should the Town decide to create a Human Resource Director (or other dedicated personnel position), the intent is for many of those functions to shift to that office, rather than remain the responsibility of the Town Administrator.<sup>1</sup>

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<sup>1</sup> The new personnel bylaw designated the Town Administrator as the Human Resources Director / Personnel Administrator. The Town should consider replacing this language so that a specific person is not charged with personnel responsibilities (for example, stating “Board of Selectmen’s designee”) or removing it completely to allow more flexibility with assignment of human resource duties.

Currently, within the Town, the human resource functions are spread out amongst various positions, as summarized below:

**Town Administrator** – oversees human resource functions and day-to-day administration of personnel and union collective bargaining agreements, hiring, compliance with state and federal laws. Employee relations. Consults with department heads on employee matters. The new personnel bylaw designates the Town Administrator as the Town's Personnel Administrator.

**Administrative Assistant(s) to the Town Administrator** – CORI checks for Town employees and insurance case management.

**Town Treasurer / Collector and Benefits Coordinator** – Payroll administration, benefits, hiring, orientation, timesheet tracking and personnel record maintenance.

**Fire Chief / Police Chief** – Both Chiefs are strong chiefs and are the appointing authorities for their Departments. It should be noted that the Police Department is governed by the Civil Service Law, which restricts hiring discretion.

**Town Accountant** – processes payroll warrant and track attendance with SoftRight.

**School Superintendent** – responsible for managing human resource issues within the School Department, including hiring.

**Board of Selectmen (BOS)** – Under the new personnel bylaw, the BOS are responsible for the overall administration of the personnel bylaw and the personnel system.

**All Departments** - Each department has responsibility for submitting payroll to the Town Treasurer and Town Accountant's Office. Departments, to varying degrees, maintain employee records.

**Personnel Board** – Currently, under the existing personnel bylaw, the Town has a 5-member Personnel Board consisting of 1 Member of the Board of Selectmen, 1 Member of the Finance Committee, the Town Administrator and 2 members at large appointed by the Moderator. The duties of the Personnel Board, under the existing personnel bylaw are extensive and include creating and maintaining job descriptions, establishing job classifications and compensation, and resolving grievances. The new personnel bylaw abolishes the Personnel Board and transfers many of the responsibilities to the Board of Selectmen and Town Administrator.

It should be noted that each department, to a certain extent, has developed its own triage system for human resource issues. This appears to have developed, in part, from lack of daily guidance and direction with human resources. The Personnel Board has substantial responsibility for several key human resource areas but is not available for daily consultation and cumbersome to navigate. As a result, there is a substantial reliance on Labor Counsel for assistance with everyday personnel issues. Some department heads stated that when a personnel issue arises, they would contact Labor Counsel before the Town Administrator, noting that personnel administration and employee relations was not an area of expertise for the prior administration. All acknowledged that reliance on Labor Counsel is no reflection on the current Town Administrator, but rather evidence of a relationship with a trustworthy, available and knowledgeable resource that has developed out of necessity because of the prior lack of human resource direction.

## **HUMAN RESOURCE / PERSONNEL DEPARTMENT**

As provided in the existing personnel bylaw, the majority of personnel management and operations were administered through an appointed Personnel Board (Board). This Personnel

Board was not available to employees to provide daily guidance or direction. As many personnel issues require immediate attention, many department heads developed a strong reliance on Labor Counsel for assistance with personnel management and employee / union relations. Hiring a qualified and experienced Human Resource Director who will be able to centralize and standardize human resource functions such as the recruitment, selection, onboarding and orientation of new employees, provide and/or facilitate ongoing training, promote a consistent approach to employee and labor relations, remain current with changes in state and federal labor and employment laws regulations and procedures, review, interpret and enforce the provisions of multiple collective bargaining agreements, oversee a review of personnel files to make sure they are complete, legally compliant and secure, and interact with multiple Town departments, appointed and elected officials, employees, the Town's Labor Counsel, unions, outside agencies and school officials in an approachable and professional manner.

As noted above, the Town is evolving its personnel management and operations. The Town Administrator has made some significant changes to the personnel structure, including establishing a new personnel bylaw that redirects administration of personnel issues to his office. This move towards centralizing personnel operations is an improvement from reliance upon the Personnel Board, which was cumbersome and not easily accessible to Town employees. With the current Town Administrator being new in his tenure, the town has a critical opportunity to modernize its human resource functions and make needed changes, including hiring a Human Resource Manager, who can increase compliance, defray Labor Counsel costs and reduce the Town's exposure to potential liability. The current size of the Town's workforce, including school employees, supports a dedicated human resources professional.

The Massachusetts Municipal Association (MMA), a nonprofit organization representing and advocating for municipalities throughout the Commonwealth, recommends that a municipal human resource director be a professionally qualified and experienced in handling recruitment,

training, onboarding and orientation, policy creation and enforcement, labor and employee relations, conflict resolution, maintaining personnel files, employee discipline and retaining a competent and motivated workforce. It further recommends that the director maintain continuous relationships with municipal employees in order to support municipal officials in their efforts to provide cost effective, high quality services to communities, remain in close contact with legal and Labor Counsel to minimize liability in all human resource areas, be familiar with “best practices” and be able to manage workplace complaints and conduct prompt investigations.

Town department heads expressed enthusiastic support for a dedicated human resource professional. The department heads and others interviewed shared their respective “wish lists” of traits they would like to see in a human resource director:

1. Knowledge of federal and state laws, and able to explain those laws, regulations, rules, policies and processes in an understandable manner. Because of the significant level of reliance on Labor Counsel, having a legal background and/or knowledge base is important to encourage confidence in and use of the human resource director in lieu of Labor Counsel.
2. Capable of focusing on training, compliance, ensuring that department processes are uniform;
3. Approachable, available, with people skills, discretion, and resolution minded.
4. Able to work with other departments.
5. Public sector experience and knowledge of the Civil Service system.
6. Able to interpret provisions of collective bargaining agreements.
7. Familiar with the grievance and arbitration process.
8. Knowledge of federal and state laws, and able to explain those laws, regulations, rules, policies and processes in an understandable manner.
9. Able to offer resources to assist department heads in hiring and resolving employee relations issues.

2020 has been a difficult financial year for many Towns across the Commonwealth and adding a position to the Town's payroll may be challenging. However, the Town should realize a savings in legal costs as reliance upon Labor Counsel is reduced. Additionally, there are several ways to structure a position, including part-time, that would allow the Town to develop a human resource position without absorbing the impact of the full cost of a department head position.

## **HUMAN RESOURCE DEPARTMENT FUNCTIONS**

### **RECRUITMENT**

The importance of proper recruitment cannot be overemphasized. It is a recommended best practice to conduct hiring in a collaborative manner to ensure that the best interests of the Town, rather than one single department, are represented. While it may appear that internal departmental hiring impacts only the hiring department, hiring has a ripple impact for Town operations. This is especially true when planning for future employment needs and developing sustainable budgetary funding for positions. It is recommended that the Town employ a united approach to hiring, rather than one that is driven by departments. As the Town Administrator has oversight and responsibility for town-wide staffing levels, department supervision and the Town budget, it is recommended that department heads involve the Town Administrator and consult with him/her prior to and during the hiring process.<sup>2</sup> Even where hiring responsibility is vested in the department head, such as police and fire, collaboration during the hiring process is a best practice for the reasons noted above.

Finding and hiring the right candidate for any position can eliminate costly HR issues and can enrich the professionalism of Town operations. When an internal posting is not required, or has been satisfied, it is recommended that the Town use all available job posting resources to expand the qualified applicant pool. Consistent with the Town's commitment to providing equal opportunities in the workplace, broader advertising also will assist with reaching a more diverse

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<sup>2</sup> The Town Administrator's job description provides that the Town Administrator shall "supervise and direct the activities of the town departments, boards and commissions and officers under the jurisdiction of the board of selectmen" and "supervise and coordinate the work of reporting department heads."

workforce. The Town can accomplish this by listing job vacancies in multiple locations, including job recruitment sites (i.e. LinkedIn, Indeed), using social media (i.e. Facebook, Instagram) and the Massachusetts Municipal Association job board. The proposed Employee Handbook contains a recruitment procedure consistent with the above recommendations.

Pursuant to the Massachusetts Municipal Records Retention Schedule<sup>3</sup> (hereinafter “MRRS”) materials documenting the hiring process, including job postings and advertisements should be retained for three (3) years. Although the MRRS states that records specific to unsuccessful applications, such as rejection letters, only need to be retained for one (1) year, it is recommended that these documents also be retained for three (3) years to align with the current statute of limitations for employment actions in the Commonwealth. Action steps an employer can take to implement best practices for file retention include keeping a digital folder with the job posting and date of hiring process. Items to include in that folder are the initial posting, the job description, the applications received, interview questions asked, interview notes, correspondence to applicants (including rejection letters) and offer letters sent to the successful candidate.

### **EMPLOYMENT APPLICATIONS**

The Town does have a standardized job application that is updated and available online. The application complies with many best practice recommendations, including an anti-discrimination statement and affirmation that the information provided in the application is accurate, as well as refraining from asking the candidate’s age (if over 18) and social security number. Some general recommendations for improvement are noted below:

1. The Town should consider enabling the application so that it can be completed online (while still preserving a candidate’s option to print out the application). Should the Town

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<sup>3</sup> The Massachusetts Municipal Records Retention Schedule can be found here [MA Statewide Records Schedule.pdf](#). An interactive guide to the Massachusetts Municipal Records Retention Schedule can be found online at [retweb.sec.state.ma.us/retweb/default.asp](http://retweb.sec.state.ma.us/retweb/default.asp).

choose to do this, it may also consider an electronic signature option so candidates can also submit the application without having to print it out.

2. The application should contain updated contact information, including both email and phone numbers, for a contact person in case the candidate has any questions. Currently, there is a general contact number, but no contact name or email.
3. The application should not contain any questions regarding an applicant's work authorization status. Instead, the application should contain the following statement: "In compliance with federal law, all persons hired will be required to verify identity and eligibility to work in the United States and to complete the required employment eligibility verification form upon hire."
4. To obtain information on whether an applicant holds a degree or a diploma, the Town can simply ask if the applicant has graduated and what degree was obtained. Asking for dates attended or dates of graduation can reveal an applicant's age (and lead to allegations of age discrimination).
5. Similarly, the Town should not ask for an applicant's dates of employment at previous jobs. Instead, the Town can ask how many years the applicant was employed.

### **SCREENING AND INTERVIEWING**

It is recommended all applications for employment come through the Town Administrator's office, which will then provide a copy of the application to the department head. In keeping with the move towards centralizing the human resource functions, these applications and records should be kept by the Town Administrator for all departments, including Police and Fire. As noted above, proper retention of job posting and application materials is important and having a centralized process will aid the Town in ensuring documents are properly filed and maintained. The department head can screen the applications and select candidates to interview. When conducting interviews for positions the Town appears to use "best practices" in conducting

interviews - i.e., having an interview team meet with each candidate, typically consisting of the Town Administrator and department head, or Board of Selectmen designee, rather than just the department head or his/her designee conducting the interview, and asking each candidate the same questions, and taking interview notes.

An important function of any employer is to ensure hiring practices are standardized and compliant with federal and state laws. It is critical for an employer to have a consistent hiring process, ensure all interview questions are legal and job related, and document all selection processes. Examples of questions that employers should not ask include questions that reveal information regarding a protected class under 151B, questions about criminal history / arrests and questions about prior salary / wage history. The Collins Center recommends centralization of the human resource function to ensure standardized interview questions and further recommends involving those responsible for human resource functions, in this instance the Town Administrator, in the hiring process for each department. Involvement of the Town Administrator, even if such position is not the central personnel contact, is a best practice for the Town as the Town Administrator is charged with oversight of daily town operations. Collaborative management, with all stakeholders aware of and involved in, the hiring process

### **CIVIL SERVICE**

The terms and conditions of employment of the Town's police officers are governed in large part by the Massachusetts Civil Service system, which is codified at MGL Chapter 31. The Commonwealth has also promulgated a variety of rules and procedures for implementing the Civil Service law.

The Commonwealth's Human Resources Division ("HRD" or "Division") is statutorily charged with administering the Civil Service law. HRD creates and administers competitive exams for public safety positions. The Division offers entry level and promotional exams, and it has also adopted procedures that allow for additional assessment tools to supplement or even replace written promotional exams. The Police Department requests lists from HRD for public safety positions and communicates with HRD if the Town plans to bypass a higher name in favor of a name located

lower on the list. Hiring through the Civil Service process can be a lengthy and cumbersome process and can result in long periods of understaffing which can increase overtime costs and officer fatigue.

Civil Service systems had laudable goals at the time of their original enactment in the late 1800s. Such systems provided merit-based recruitment and selection processes to replace politicized, patronage systems where access to public jobs was based on personal connections rather than qualifications. Once selected through the Civil Service process, employees were granted “permanent” status, which protected provided against arbitrary termination.

At this point in time, however, collective bargaining agreements offer Town employees the job protections and tenure provided by Civil Service. The MMA characterizes the Civil Service law as “seriously outdated and obsolete.”

The Police Department should be able to seek candidates through posting and other recruitment efforts and should also be able to assess qualifications for a job through reviewing credentials such as relevant work experience, education, references, and personal interviews. This process would allow the Town to consider and select from people who are interested in a particular job at the time that job is open, rather than spending time navigating the civil service hiring process.

The Collins Center recommends that the Town remove itself from the Massachusetts Civil Service Law. If the Town pursues this goal, it should continue to develop and implement best-practice policies, procedures, and protocols relating to recruitment, retention, discipline, and termination, with a strong commitment to merit principles. Recruitment and selection processes should specifically address veterans’ preference, which is currently included the Civil Service statute (MGL Chapter 31, Section 26). Engaging collective bargaining units around these changes will be important to provide assurances that the rights of employees who have attained permanent status will not be impaired. Should the Town decide to pursue this, it should consult with Town Counsel and develop a strategy for moving forward.

**CRIMINAL OFFENDER RECORDS INFORMATION (CORIS) AND SEX OFFENDER REGISTRY INFORMATION (SORI) CHECKS AND I-9 VERIFICATION**

The Town Administrator’s Office performs CORI checks on all prospective employees (CORIs for police officer positions are performed by the Police Department) and SORI checks for Council on Aging employees. It is recommended that the Town expand Sex Offender Registry Information (SORI) checks for department employees that have responsibility for or care for a “child under the age of 18 or another person,” including all staff that interact with a vulnerable population – such as children or the elderly – or staff members that may have cause to enter resident homes unsupervised. The proposed Employee Handbook does state that certain employees “shall be subject to both a CORI and a SORI check.” It is recommended that the Town consider rewording “shall be” to “may be” to reflect the Town’s discretion in this area.

The Town does have an updated CORI policy. The Town currently stores CORI records separately from personnel files, which is consistent with the employer’s legal obligations. It is recommended that the Town ensure that records are stored in a locked cabinet, and accessible only to those employees who have been approved to access CORI information. If stored digitally, the records must be password protected and accessible only by those employees approved to access CORI information. 803 CMR 2.12

**PRE-EMPLOYMENT PHYSICALS AND DRUG TESTING**

The Town, consistent with DOT requirements, requires Highway Department employees to undergo pre-employment alcohol / drug testing as a condition of employment. The drug screen and physical exam are scheduled by the Town Administrator’s Office, which receives the results and notifies the employee. The CDL drug testing program is facilitated through Advantage Drug Testing and this appears to be working smoothly. While the proposed Employee Handbook reserves the right to conduct pre-employment testing, it is not the current practice of the Town to do so beyond that conducted for the Highway Department. Public safety departments conduct their own pre-employment screening as part of their hiring process.

The existing personnel bylaw states that pre-employment physical testing will be conducted on all new hires. However, this does not appear to be the practice and was not carried over to the new personnel bylaw. Should the Town seek to implement / resume pre-employment physical testing, it is recommended that more specific policy language and a defined process be developed to provide basic information, i.e. timeframe for completion of exam, cost of the exam and process to address issues identified during the exam. Additionally, updated and accurate job descriptions are a necessity when conducting pre-employment physicals and as noted below, the Town should consider conducting a town-wide review and revision of position descriptions.

### **OFFER LETTERS, CONDITIONAL OFFER LETTERS, REJECTION LETTERS**

The Town has standardized offer letters and rejection letters. Offer letters are important to inform candidates of the probationary period, the need for pre-employment physicals and background checks, as well as puts the employee on notice regarding licenses they are required to have prior to employment and those they are expected to obtain within a reasonable amount of time after beginning their employment. The Collins Center recommends that the Town review its standardized offer letter and ensure it includes the following information:

- any materials the candidate must provide prior to beginning work,
- any pre-employment testing;
- state any conditions upon the offer of employment (i.e. that the applicant provide proof of a license, that the applicant pass a drug test, that the applicant obtain a certification within 6-months);
- state the applicable probationary period;
- tell the employee where to report and whom to report to on their first day; and
- include any forms that the employee needs to complete.

### **ONBOARDING AND ORIENTATION**

The Town does not have a formalized onboarding or orientation program, however, new employees meet with the Treasurer or Benefits Coordinator to discuss employee benefits and complete employee paperwork. The Town's new employee package is substantial, and contains

helpful information about benefits and important policies, however it needs to be updated. It should be reviewed to ensure the following materials are included as required by statute:

- Domestic violence leave notification (50 or more employees) (MGL c.149, § 52E(k))
- Pregnant workers notice (MGL c.151B, § 4)
- Sexual harassment policy (MGL c.151B, § 3A(b)(2))
- Workers' compensation notice (MGL c.152 § 22)

It is recommended that new employee packets of information be provided to employees prior to their start date so they can be adequately apprised of what is necessary to commence employment and documents they will need to have with them when they report to work. Another option is to create an employee portal on the Town's webpage and provide information through that portal, or at least have a basic checklist available on the Town's webpage.

### **PERSONNEL FILES**

According to MGL Chapter 149, Section 52C, the Massachusetts Personnel Records Law, employee personnel files must include all documents kept by an employer which have been used for or may affect that employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action. This includes, at a minimum, the following information:

- the employee's name, address, date of birth;
- job title and description;
- rate of pay and any other compensation paid to the employee;
- starting date of employment;
- the job application of the employee;
- resumes or other forms of employment inquiry submitted to the employer by the employee in response to the advertisement;
- all employee performance evaluations, including but not limited to, employee evaluation documents, written warnings of substandard performance, lists of probationary periods, waivers signed by the employee, copies of dated termination notices, and any other documents relating to disciplinary action regarding the employee.

The proposed employee handbook notes that employees are permitted to review their personnel files twice a year upon request, however, employees are also permitted to fully review their files whenever a document is added to their file that may negatively impact employment. It is the employer's duty to notify the employee if such materials are added to their personnel file.

Official employee personnel files are maintained in the Treasurer's office, while SORI/CORI files are maintained separately in the Selectmen's Office. Both should be stored in locked cabinets, and the CORI accessible only by someone authorized to access CORI information. The Collins Center recommends the Town Administrator coordinate with department heads to review employee files kept by departments to ensure the official personnel file maintained in the Treasurer's Office contains copies of all records kept in individual department files, including for Police and Fire. The official personnel folder must contain all the above items. It is essential that complete and full copies of official personnel files be kept in one central location to eliminate confusion, ensure proper documentation of an employee's employment history and limit access to confidential records.

### **PAYROLL**

The payroll systems in East Bridgewater are sufficient and functional for the workforce. Town payroll is processed weekly, school payroll is bi-weekly. Employee timesheets are verified by the department head and then submitted to the Treasurer's Office, where payroll is inputted. Once verified, the payroll is submitted, payroll is processed by Customized Data Services in Whitman. Direct deposit is available and recommended but not required. Moving forward, should the Town consider a change in their payroll system, there are a number of ways to increase efficiency including implementing bi-weekly payroll for all employees and moving to a system of payroll entry that allows department heads to enter payroll directly into the system, rather than physically turn in timesheets. The proposed employee handbook does embrace moving to a bi-weekly payroll system, however, it has not yet been implemented.

## **JOB DESCRIPTIONS, CLASSIFICATION AND COMPENSATION**

The Town's job descriptions are updated when a position is posted. The Town has not undergone a systematic review and revision of current job descriptions. Updated and accurate job descriptions are important to employers for many reasons. Job descriptions inform potential applicants of the essential functions of a position and whether they meet the minimum requirements. Having essential job functions documented in a description can help the Town determine whether an injured employee can return to work with or without restrictions. A job description also sets forth the reasonable job expectations and sets a baseline for performance expectations. In addition, the description should include any license requirements for the position, so that the hiring authority will be on notice to verify licenses / certifications prior to filling the position.

The existing personnel bylaw provides that job descriptions shall be maintained by the Personnel Board. It, however, does not define the process for updating job descriptions. In speaking with employees and department heads regarding job descriptions, several indicated that they were in the process of updating their own job descriptions. It is recommended that the Town update all position descriptions using a standardized format and procedure. It is recommended that this procedure include review of the job descriptions by the department heads and Town Administrator to ensure consistency in format and to verify that job duties align with expectations for the position.

Paying a competitive and fair wage is beneficial to the Town as it promotes a professional workforce and reduces employee turnover which is disruptive and expensive to employers. The Collins Center recommends that a classification and compensation study be conducted to examine job duties, revise and update job descriptions in a standard format and survey comparable communities to determine the average and median wages for positions. Classification and compensation studies can be useful during union negotiations, assist with

establishing non-union pay scales and may also serve as a good faith self-evaluation under the Equal Pay Law.<sup>4</sup>

### **TECHNOLOGY AND WEBPAGE**

The Town's webpage includes useful material, including staff contact information, meeting information and news / updates affecting residents. This is also another area that demonstrates the Town Administrator's efforts to professionalize human resources and increase transparency. For example, recent additions to the Town's website include collective bargaining agreements, an online job application, personnel contracts, and various Town policies, including the Town's anti-discrimination policy. Ensuring that Town policies and documents are available online is a best practice for municipalities and the Town Administrator is working to accomplish these tasks.

Some recommendations for continued improvements include making the site more "user friendly" for employees, department heads, and prospective employees. The Collins Center recommends the following:

1. The Town's Equal Opportunity and Affirmative Action Policy should be added to the website. It is available on the job application and the anti-discrimination statement is available under the policy section. It is, however, recommended that the language be incorporated into the website, perhaps towards the bottom of the home page.
2. Addition of a "Human Resources" section. Currently, employment information and Town policies are scattered. For example, the job application is located under the "About Us" section, employment policies are located in the Board of Selectmen section, employment contracts and collective bargaining agreements are located under the Town Administrator department and a "benefit guide" is located under the Treasurer Department. Having a Human Resources section provides a centralized location for employment related policies, forms, and documents.

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<sup>4</sup> Pursuant to M.G.L. c. 149, section 105A a self-evaluation of wages conducted by an employer in good faith can be used as an affirmative defense to equal pay actions.

3. The Town's employment application and job postings are currently available on the website. If possible, the application should be converted to a "fillable online" form and be able to allow online submission. Additional improvements could include updated job vacancies with links to job descriptions for the vacant position, employee policies and benefit forms.
4. The HR webpage should include a section for new employees, welcoming them to the Town, and including all the information in the new employee packet and a checklist indicating what forms they need to complete and any documents they need to bring with them their first day.
5. Information about the Town's Employee Assistance Program should also be added to the HR webpage to provide easier, confidential access to information. While it is provided in an uploaded benefit document, for the reasons stated above, it is recommended that the information be incorporated into the website.

### **TRAINING**

The Town performs employee training on an ad hoc basis; however, comprehensive employee training has not occurred in the past several years. In addition to training on Conflict of Interest, Sexual Harassment and Public Records, the Collins Center recommends that employers conduct additional training for supervisory and managerial employees, which should address their specific responsibilities. It is critical that department heads, managers and supervisors receive training regarding all types of discrimination (including the ADA and "reasonable accommodations"), harassment, progressive discipline, performance management, the Family and Medical Leave Act, labor relations, and "best practice" interview questions (i.e., what not to ask).

It is recommended the Town, through the Town Administrator's Office, conduct a training needs assessment and develop a short- and long-range plan to address identified needs. Massachusetts requires municipalities to annually distribute its sexual harassment policy to each employee and encourages employers to regularly conduct education and training programs on sexual

harassment for all employees. The Town should ensure employees are provided with its sexual harassment policy annually and that every employee acknowledges receipt. Without the annual distribution of policies and training on discrimination issues in the workplace, the Town and its officials are exposing themselves to potential liability.

**POLICY AUDIT**

The Town has a mix of updated and outdated policies, in addition to draft policies contained within the draft employee handbook and those in collective bargaining agreements. Overall, as demonstrated by the policies contained in the proposed employee handbook, the Town is committed to providing direction, guidance, and support on employment matters. Having all policies printed in one comprehensive document requires continuous updating as policies change or the document quickly becomes outdated. Because printed handbooks are difficult and costly to update, the Collins Center recommends the policies be distributed to all employees in a loose-leaf format with a signature of receipt required once they are created/updated. The policies should be available both online and in departments, with a master copy located in the Town Administrator’s Office. It is a best practice to issue new or modified policies on an as needed basis and publish them accordingly.

<b>Policy</b>	<b>Town</b>	<b>Comment</b>
Access & Use of Telecommunications Systems	Yes	Proposed employee handbook
Alcohol & Drug Use	Yes	Proposed employee handbook
Anti-Fraud	Yes	
Attendance Policy Statement	Yes	Proposed employee handbook
Basic Life Insurance	Yes	Proposed employee handbook
Bereavement	Yes	

<b>Policy</b>	<b>Town</b>	<b>Comment</b>
Computer Policy	Yes	Proposed employee handbook
Conduct (Standards)	Yes	Proposed employee handbook
Conflict of Interest/Ethics	Yes	
Consolidated Omnibus Budget Reconciliation Act	Yes	Proposed employee handbook
Criminal Offender Registry Information	Yes	
Discipline	Yes	
Discrimination Prevention	Yes	
Discrimination Grievance Procedure	Yes	
Disability Discrimination Prevention	Yes	
Domestic Violence Act	Yes	Proposed employee handbook
Drug Free Workplace	Yes	
Equal Opportunity/Affirmative Action	Yes	
Family and Medical Leave Act	Yes	
Grievance Procedure	Yes	
Health Insurance	Yes	
Health Insurance Portability & Accountability Act	Yes	Proposed employee handbook
Holidays	Yes	
Overtime	Yes	

<b>Policy</b>	<b>Town</b>	<b>Comment</b>
Meal & Break Period	Yes	CBA and Proposed employee handbook
Emergency Closing	Yes	
Jury Duty	Yes	
Leave of Absence- Unpaid	Yes	
Life Insurance	Yes	
Longevity Pay	Yes	Existing personnel bylaw, CBAs (removed from proposed employee handbook)
Maternity & Paternity Leave	Yes	Proposed employee handbook
Military Leave	Yes	
Personnel Records	Yes	Proposed employee handbook
Political Activity	Yes	Proposed employee handbook
Pregnant Workers Fairness Act	Yes	Proposed employee handbook
Probationary Period	Yes	
Promotion	Yes	
Recruitment & Selection	Yes	Proposed employee handbook
References	Yes	
Retirement	Yes	
Separation from Employment	Yes	Proposed employee handbook
Sexual Harassment Prevention	Yes	

<b>Policy</b>	<b>Town</b>	<b>Comment</b>
Small Necessities Leave Act	Yes	Proposed employee handbook
Sick Leave	Yes	
Social Networking / Media	Yes	
Vacation	Yes	
Vehicle Use and Reimbursement	Yes	
Weapons	Yes	
Whistleblower Protection	Yes	
Workplace Injuries Workers Compensation Police & Fire Injuries	Yes	
Workplace Safety	Yes	
Workplace Violence Prevention	Yes	

### **WORKPLACE INJURIES**

The system for handling workplace injuries appears to work well. The Town uses MIIA to manage the processing and administration of workers' compensation claims and injuries. Police and firefighter injuries in the line of duty are handled in accordance with MGL Chapter 41, Section 111F. Both the police and fire departments use CHUBB to process and manage claims and these types of injuries.

### **UNEMPLOYMENT**

The Town uses a third-party administrator, Unemployment Tax Management Corporation, to administer unemployment claims and benefits. The Treasurer's Office completes the necessary paperwork and serves as the liaison between departments and the vendor.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1: Create the Position of Human Resource Director**

The opportunity to centralize the human resource functions will result in increased professional level human resource services. There is currently a Benefits Coordinator who works in the Treasurer's Office. That position, however, does not have responsibility for primary human resource functions such as hiring, policy maintenance and distribution, records maintenance, and training coordination.

***Recommendation 1.1:*** It is recommended the Town evaluate the possibility of creating the position of "Human Resources Director" in either a full-time or part-time capacity. This will allow for a central contact for employment issues and will serve as a valuable resource for employees. Because of the strong departmental reliance on Labor Counsel for daily human resource guidance, it is recommended that candidates for the position have a strong background and familiarity with federal and state employment laws to instill confidence in the new position.

### **Finding 2: Centralize the Human Resource Files and Documents**

All personnel file materials should be in a centralized location.

***Recommendation 2.1:*** Without a uniform system of keeping personnel records in accordance with various federal and state laws and regulations, the Town could be exposed to liability. It is recommended the Town Administrator systematically work with departments to ensure that the official personnel files maintained in the Treasurer's office are complete. Departments are certainly allowed to keep departmental records but must be aware of the requirements of doing so, including the retention schedule.

### **Finding 3: Remove from Civil Service**

Employment for the Town's Police Officers is currently governed by the Civil Service law.

**Recommendation 3.1:** It is recommended that the Town seek to remove itself from the Civil Service law and give the Police Department more flexibility in hiring for its Department. The Police Department should be able to seek candidates through posting and other recruitment efforts and should also be able to assess qualifications for a job through reviewing credentials such as relevant work experience, education, references, and personal interviews. Compliance with the requirements of Civil Service are cumbersome, subject to delay and can result in staffing shortages, which can lead to increased overtime expenses and officer fatigue. Allowing more flexibility in hiring increases efficiency in staffing.

**Finding 4: Adopt Employment Policies and Procedures**

The process for updating employment policies and procedures is currently ongoing and codified in the proposed employee handbook.

**Recommendation 4.1:** It is recommended that the Town adopt town-wide employment policies to govern volunteers and employees. This will standardize Town procedures and provide guidance for supervisors on managing their employees where such issues are not currently addressed by collective bargaining agreements. The Town should be aware of bargaining obligations with Unions prior to implementation of these policies. It is further recommended that policies be issued online or, if printed, that policies be issued separately, rather than codified in a handbook. This allows for ease of updating and lower costs printing costs associated with policy changes.

**Finding 5: Update Job Descriptions and Conduct Classification and Compensation Study**

**Recommendation 5.1:** It is recommended that the Town update all job descriptions to accurately reflect current job duties, employee roles and position expectations. The Town has not completed a systematic review and revision of current job descriptions. Updated and accurate job descriptions are essential tools for personnel management. It is recommended that the Town update all position descriptions using a standardized format

and procedure. It is recommended that this procedure include review of the job descriptions by the department heads and Town Administrator to ensure consistency in format and to verify that job duties align with expectations for the position.

**Recommendation 5.2:** It is recommended that the Town conduct a classification and compensation study which will examine job duties, revise and update job descriptions and survey comparable communities to determine fair wages for each position included in the study.

### **Finding 6: Centralize and Standardize Hiring Process**

It is recommended that the Town continue progress towards a uniform and centralized hiring process.

**Recommendation 6.1:** It is recommended the Town Administrator or Human Resource Director be included in all aspects of the hiring process, including the posting of positions, application screening and the interview process.

**Recommendation 6.2:** It is recommended that the Town ensure that offer of employment letters consistently contain information about documentation needed to begin employment, as well as any pre-employment testing or conditions that must be fulfilled prior to reporting for work.

**Recommendation 6.3:** It is recommended that the Town conduct Sex Offender Registry Information checks for employees and volunteers working in departments that have access to minors or vulnerable populations, such as the elderly or disabled.

**Recommendation 6.4:** It is recommended that the Town enact a minimum probationary period applicable to all employees. Currently, the probationary period varies depending on union status and department. It is recommended that the Town endeavor to have a

minimum 6-month probationary period extended to all Town employees, including department heads.

### **Finding 7: Training Needs Assessment**

The Town has not recently conducted employee training or management training.

**Recommendation 7.1:** It is recommended that the Town conduct a training needs assessment. This should entail prioritizing trainings such as Public Records, Open Meeting Law and Sexual Harassment / Anti-Discrimination, which can be sources of liability for Town employees. It is also recommended that the Town conduct supervisory training to instruct on best management practices for employee performance management.

### **Finding 8: Town Webpage**

The usability of the Town's webpage could be improved to increase efficiency in serving and informing residents as well as current and prospective employees.

**Recommendation 8.1:** It is recommended that the Town create a "Human Resources" department section on its webpage and move employment related documents and information to that section so that all employment information is centrally located and easily accessible.

**Recommendation 8.2:** It is recommended that the Town update the information on the Town webpage to include contact information for the person responsible for handling employment inquiries.

**Recommendation 8.3:** It is recommended that the Town update the Town's webpage to include a statement of non-discrimination.

**Recommendation 8.4:** It is recommended that the Town consider enabling its job application to be fillable online and electronically submitted to streamline the application process.

**CLOSING**

Thank you for inviting the Collins Center to East Bridgewater. The Collins Center would like to thank Mr. Noble for facilitating this project and to all Town employees and department heads for their assistance.