

PERSONNEL BY LAWS

TOWN OF EAST BRIDGEWATER

Updated to June 1, 2015

A TRUE COPY OF RECORD
ATTEST:

Dina Livingston
Town Clerk

PERSONNEL BY - LAWS

TOWN OF EAST BRIDGEWATER, MA.

Personnel by-law accepted Chapter 41, Section 108A G. L. Article 31 Adjourned Annual Town Meeting April 8, 1980. (Town Clerk's Note: The Personnel By-laws do not have to be approved by the Attorney General. Changes as voted at a Town Meeting in the affirmative are in effect when voted.

SECTION 1. DEFINITION

The classification of Positions and the Pay Schedules appended hereto and the provisions of the By-law shall be the Personnel Administration Plan (hereinafter referred to as THE PLAN) for the Town of East Bridgewater (hereinafter referred to as THE TOWN).

SECTION 2. CLASSIFICATION AND PAY RATES

Classification and rates of pay for those employees covered by the Personnel By-Laws shall be negotiated and approved as described in Section 6. (Art. 19, ATM 4-1-1996 & Adj. Sess. 6-10-1996)

SECTION 3. APPLICATION

The Plan shall apply to all officers and employees in the service of the Town (whether full time, part time, seasonal, casual, special, or other) other than those positions filled by popular election and those under the direction and control of the School Committee and the Board of Library Trustees. Nothing herein, however, shall bar using the Plan or its provisions or facilities or committees in determining the compensation of such otherwise exempted employees or officials under contract and/or collective bargaining. (Art. 20, ATM 4-1-1996 & Adj. Sess. 6-10-1996)

SECTION 4. TITLE OF POSITIONS

No person shall be employed or paid as an employee in any position subject to the provisions of the Plan under any title other than those in the Schedules 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 of the position and shall be used in all administrative and employment records, and in every other connection involving personnel or fiscal processes.

SECTION 5. PERSONNEL BOARD

The Personnel Board (hereinafter referred to as the 'Board') shall consist of one member of the Board of Selectmen as designated by its Chairman, one member of the Finance Committee as designated by its Chairman, the Town Administrator, and two members at large to be appointed by the Moderator.

(STM 9-9-1996, Art. 16) (ATM 5-10-2004, Art. 34)

The duties of THE BOARD shall remain as presently cited under Section 6. (ATM 4-12-1986, Art. 25)

SECTION 6. DUTIES OF THE PERSONNEL BOARD

A. The Board shall establish such policies, procedures and regulations as it deems necessary for the administration of the classification and compensation plans. The Board may employ assistance and incur expenses as it deems necessary, subject to the approval of the Board of Selectmen and the appropriation of funds therefore.

B. The Board shall maintain written descriptions of the job titles in the Plan describing the essential characteristics, requirements and the general duties. The descriptions shall not be interpreted as complete or limiting definitions and employees shall continue to perform any duties assigned by their superiors.

C. The Personnel Director and Department Heads shall keep records of time sheets, sick days, vacation time, and leave time in addition to such records of Town employees as the Board may require. The Board shall keep such records of its own as it considers appropriate. All employment records of the Town by whomever kept pertaining to the Town's employees will be provided upon request to the Board at all reasonable times. (Art. 21 ATM 4-1-1996 & Adj. Sess. 6-10-1996)

D. The Board, in conjunction with Department Heads, shall review the work of all positions subject to the Plan. Such reviews shall be so scheduled as to cover all such positions at intervals of not more than three (3) years. The Board by its own authority and upon advice of the Department Head involved, may reclassify an existing position to a different class, and no position may be reclassified until the Board shall have determined that such classification is consistent with the provisions of classification and compensation plans. Such reclassification of a position, however, shall be subject to the appropriations of the necessary funds to adjust the compensation of the incumbent employee. No such action may be taken in connection with positions subject to Civil Service Laws.

E. Employees under the jurisdiction of the Personnel Board shall negotiate salary in the following manner:

1. The individual employee and that employee's direct supervisor shall meet to discuss the annual rate of pay with the Town Administrator and the Personnel Director. (Art. 29, ATM 5-12-2008)

2. The Town Administrator will make a recommendation to the Personnel Board for the annual pay rate for that individual. (Art 29, ATM 5-12-08)

3. The Personnel Board will vote on whether to approve any change to that individual's annual pay rate. (Art. 22 ATM 4-1-1996 & Adj. Sess. 6-10-1996)

F. Upon recommendation of the Board of Selectmen or a Department Head, supported in 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 Plan as it may deem necessary for the proper functioning of the services of the Town. No variance shall become effective unless, or until, the necessary funds have been appropriated therefore.

G. The Board shall be available to arbitrate grievances between employees and Department Heads. A minimum of seven (7) days notice is to be given to the Board before a grievance meeting can be held with parties involved. Meeting time shall be established by the Board.

H. Notice of all changes are to be provided to the Department Head involved, the Town Treasurer, and the Town Accountant.

I. The Board may require a Certificate of Health from a physician approved by the Board for any employee in order to ensure fitness for that position.

J. The Personnel Board Shall prepare a recommendation for annual salary for the following elected officials:

Town Clerk
(Art 29, ATM 5-12-2008)

The recommendation shall be prepared by surveying comparable positions from communities comparable to East Bridgewater. The recommendation shall be made in the form of an article submitted to the Annual Town Meeting. Elected officials shall not be entitled to any other benefits and/or rights under the Plan. (Art. 5 STM 6-8-1998)

SECTION 7. EFFECTIVE DATE

The Plan shall become effective July 1, 1980

SECTION 8. INSTALLING PLAN

All present employees included in the Plan shall be eligible to receive pay based upon their job classifications as provided by the schedules submitted by the Board. All adjustments shall be subject to the approval of the Department Head and the Board. (Refer to Section 21)

No pay shall be reduced as a result of the installation of the Plan. Any existing rates above the maximum shall become personal rates and apply only to the present incumbent. When his/her employment ends, no successor shall advance beyond the maximum for the job without the approval of the Board and the Board of Selectmen.

SECTION 9. DISPUTE RESOLUTION

STEP ONE: Any dispute arising out of the Personnel By-Laws or complaint with working conditions shall be first submitted to the employee's department head in writing. The Department Head shall hold a meeting with the employee and provide the employee with a written answer to the complaint within seven (7) days.

STEP TWO: If the employee is not satisfied with the response of the Department Head, the same complaint or dispute shall be submitted to the Personnel Board for action. The Personnel Board shall provide the employee with a written response within thirty days. (Art. 29 ATM 4-1-1996 & Adj. Sess. 6-10-1996)

SECTION 10. PROMOTION AND TRANSFERS

A. When an employee is promoted to a higher rated job, he/she shall enter at the minimum of the job range or at his/her own rate, whichever is the higher. He/she may also receive a step increase at the time, if the Department Head feels that qualifications and performance warrant it and the Board recommends it.

B. If an employee should be transferred from one department to another department, that employee shall not automatically receive the rate of pay of the new department, but that employee shall come before the Personnel Board to discuss the move and the salary for such job. (Art. 23 ATM 4-1-1996 & Adj. Sess. 6-10-1996)

C. All vacancies are to be posted within that department and in the Town Hall for a period of ten (10) days and advertised in a newspaper having a general circulation within the Town before action is taken to fill that position. Requests will be accepted from present employees during this ten day period.

D. When rate ranges are affected by a wage increase voted by the Town, either fixed percentage or a fixed amount, all employees covered by the Plan and in the classifications specified shall benefit. (Art. 22, ATM 4-2-1984). (Effective 4-2-84 Chap. 41 Sec. 108A)

E. No pay shall be reduced as a result of rate range revision of the Plan. When an employee receives a pay rate above the maximum for the job, this rate becomes a personal rate and applies only to the present incumbent. When his employment ends, no successor shall advance beyond the maximum for the job.

F. In the event that one of the following positions, Police Department Administrative Specialist, Planning/Building Administrative Coordinator, Assistant Town Accountant, Administrative Coordinator for Treasurer/Collector and Selectmen's Administrative Assistant, is eliminated, the effected employee may apply for one of the other listed positions, if that position is filled by an employee having less seniority than the displaced employee. (Art 20, ATM 5-12-2008)

The Department Head or Board supervising that position shall have an opportunity to review the application and make a recommendation to the Personnel Board. The application will be reviewed by the Personnel Board to determine if the applicant is qualified to fill that position. If the Personnel Board approves the application, the applicant will take that position in place of the junior employee. The Personnel Board will also determine if any adjustment in salary should take place because of change of position. If the displaced employee is senior to an employee in one of the above classifications, that employee may apply for the position using the same process. (Art. 23 ATM 4-1-1996 & Adj. Sess. 6-10-1996)

SECTION 11. NEW PERSONNEL

A. The hiring rate shall be the minimum of the rate range for the job unless otherwise authorized by the Department Head and the Board. If such authorization is given, it shall be supported by the Department Head's written statement of the reasons, and further documented by the Board.

B. A pre-employment physical examination shall be required by the Department Head and the Board of all full time and regular part time new personnel by a qualified physician approved by the Board, examination to be at the expense of the prospective employee, and the completion of the pre-employment questionnaire to be completed by the physician and applicant prior to the date of hire by the town. (Art. 23, ATM, 4-2-1984) (Effective April 2, 1984 Chapter 41 Section 108A)

SECTION 12. OVERTIME

Regular full time employees, exclusive of Department Heads and salaried employees, will be paid one and one-half (1 1/2) times for all hours worked in excess of forty (40) hours per week within the department where the employee is regularly employed. Such overtime must be authorized by the Department Head in order for overtime payment.

SECTION 13. VACATIONS

A. The following annual vacations with pay will be granted to all permanent full time and regular part time employees after the following periods of time:

- a. Six (6) consecutive months but less than one (1) year: Five (5) days
- b. One (1) year but less than five (5) years: Ten (10) days
- c. Five (5) years but less than ten (10) years: Fifteen (15) days
- d. Ten (10) years but less than fifteen (15) years: Twenty (20) days
- e. Fifteen (15) years but less than twenty (20) years: Twenty-five days
- f. Twenty (20) years or more: Thirty (30) days
(Sub-section e amended and sub-section f added by Article 46 voted at the adjourned annual town meeting held on May 10, 1983, Gen. Laws, Ch. 41, Sec. 108A).
- g. For all employees hired after May 12, 2003, the vacation entitlement shall be as follows: Same schedule as above not to exceed a four(4) week maximum. (Art. 17, ATM 5-12-2003)
- h. Employees under the Personnel By-Laws may, on an annual basis, sell to the Town five (5) days of unused vacation days at their then daily rate of pay. (Art 30, ATM 5-12-2008)

B. Any employee presently benefiting from previous vacation schedules shall continue with the same, and that schedule shall be their personal schedule. It shall apply to the present incumbent only; when that employment ends, successors shall fall under the classification set forth by this Plan.

C. For the purpose of this By-law, a regular part time employee is one who is regularly scheduled to and works no less than twenty (20) hours weekly. The vacation pay of such regular part time employee shall be the average of his weekly pay for the last twenty-six (26) weeks worked.

D. Vacations with pay shall not be granted to temporary employees, whether full or part time, except to those who have been continuously employed for more than six (6) months and scheduled for twenty (20) hours or more per week. Continuous employment beyond six months must be authorized by the Department Head and the Board.

E. An additional day off shall be allowed in the event that a Holiday occurs during a vacation period, the timing to be at the discretion of the Department Head.

F. Vacations shall not be cumulative from year to year except under extenuating circumstances, a total of five days may be carried forward with approval of Department Head and Personnel Board. (Art. 24 ATM 4-1-1996 & Adj. Sess. 6-10-1996)

G. Employees terminating their employment with the Town will receive payment in lieu of any earned vacation not yet taken in the calendar year of their employment termination. Vacation periods shall be pro-rated monthly in calculating in case of termination.

SECTION 14. HOLIDAYS

Permanent full time employees and regular part time employees shall be paid for each of the following holidays, except that regular part time employees shall be paid for those holidays falling on a regularly scheduled work day and on the same basis as their earnings if they had worked:

Half day before New Year's Day
New Year's Day
Martin Luther King Day
Washington's Birthday
Good Friday
Patriot's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving

Day Before Christmas (except the day after when Christmas falls on Thursday)
Christmas Day

A holiday celebrated on Saturday or Sunday shall be observed on the nearest scheduled workday.

(Art. 25 ATM 4-1-1996 & Adj. Sess. 6-10-1996)

(Art. 15 ATM 5-12-2003)

Permanent full time employees of the various town departments, other than Department Heads, required to work on any of the above specified holidays shall be paid on the basis of straight time in addition to the regular holiday pay for that day, or at the discretion of the Department Head may be given equivalent time off at regular pay.

Holidays with pay shall not be granted to temporary employees, whether full or part time, except to those who have been continuously employed for more than six months for twenty (20) hours or more per week.

For civilian essential personnel in the East Bridgewater Police Department (including Civilian Dispatchers but not limited to) the following is the list of holidays that will be granted as long as the holiday falls within their regularly scheduled work day:

New Years Day	Independence Day	Memorial Day
Labor Day	Veteran's Day	Thanksgiving Day
Christmas Day		

(Art. 11 ATM 6-6-2005), (Art. 22 ATM 6-1-2015)

SECTION 15. SICK LEAVE

NOTE - PARAGRAPHS H.2 & H.3 (SICK LEAVE BANK) REMOVED ATM, ART. 23, 4-4-1994

- A. Upon completion of thirty (30) days permanent Full-time employment, six (6) consecutive months Temporary employment at a minimum of twenty (20) hours scheduled per week, or six (6) months regular Part-time employment at a minimum of twenty (20) hours scheduled per week, an Employee shall be allowed one and one-quarter (1 1/4) days (Pro-rated if Part-time) Sick Leave with pay for each month of employment completed, with unlimited accumulation; provided such leave is caused by sickness or injury, or by exposure to a contagious disease, but not injury sustained in other employment. (Art. 45, ATM 4-11-1987)

B. Sick leave must be authorized by the Department Head and must be reported monthly to the Board in writing.

C. A Physician's certificate of health may be required by the Department Head or the Board after three (3) days absence or after a series of repeated absences during the year. This certificate shall be forwarded by the Department Head to the Board. This examination would be at the expense of the Town by a physician appointed by the Board.

D. Injury, illness or disability self-imposed, or resulting from the use of alcohol or drugs shall not be considered a proper claim for sick leave under this Section.

E. Notification of absence due to illness must be made as early as possible on the first day of absence, either to the employee's immediate superior or to the Department Head, and the employee shall keep the immediate superior or Department Head advised as to the expected date of return in order to be compensated with the sick leave.

F. Nothing in this Section shall be construed to conflict with Section 100 of Chapter 41 of the General Laws, and in the event of such conflict the provisions of said Section 100 of Chapter 41 shall prevail as to employees covered by said Section 100 of Chapter 41.

G. Employees shall be entitled to receive during the final pay period in December of each year, reimbursement to those sick leave days accumulated in excess of 120 days. Reimbursement will be computed at seventy-five per cent (75%) of the employee's regular per diem wage during the final pay period in December. (Art. 20, ATM 4-3-2000)

H. Upon retirement, an employee covered under this by-law shall be reimbursed for all unused sick time at the following rate: 100% of all days accrued between 20 and 120 at 70% of the employee's then daily rate of pay. Sick days in excess of 120 remain subject to the annual buy back. (Art. 16, ATM 5-12-2003)

The amendment intends to specify within the by-law when the reimbursement will be paid and when the reimbursement rate will be computed. The extent of the benefit and its effective date (7/1/83) remain unchanged.

I. Up to five Sick Days per year may be used in case of Serious illnesses or serious injury to a member of the immediate family. Immediate family shall be defined as spouse, child, mother/father, mother/father-in-law, sister/brother; grandchild, grandparents, daughter/son-in-law or any person living in the same household.

(ATM 5-10-2003 Art. 35)

SECTION 16. LEAVE OF ABSENCE

Except for reasons to the extent hereinafter provided, all leaves of absence shall be without compensation. Leave of absence may be granted up to one (1) year, subject to bi-monthly approval by the Board.

SECTION 16A. PERSONAL DAYS

a. The Town will provide Full-time and Part-time Employees who are regularly scheduled to and work a minimum of twenty (20) hours per week, and who are not represented by collective bargaining units, with one (1) Personal Day (Pro-rated if Part-time) upon completion of one (1) year of employment, two (2) Personal Days per year upon completion of three (3) years employment, and with three (3) Personal Days per year upon completion of five (5) years employment. (Art. 44, ATM 4-11-1987)

b. Personal Days should be requested at least one (1) week in advance and require the approval of the supervisor. (In case of emergency, the supervisor may waive the one week notice requirement).

c. Personal Days must be used during the calendar year in which they are accrued. They cannot be carried over.

d. Personal Days may be taken in increments of 1/2 day, but not less.

e. Personal Days are intended for use such as doctor/dentist appointments, religious observances, car repairs, court appearances and other personal matters. (PERSONAL DAYS voted, Art. 22, ATM 4-13-1985, G. L. Chapter 41, Section 108A, effective April 13, 1985.)

SECTION 16B. LONGEVITY

An employee shall receive an annual longevity stipend in accordance with the following schedule and conditions:

<u>LENGTH OF SERVICE:</u>	<u>ANNUAL PAYMENT</u>
a. Upon completion of five (5) years or more, but less than ten(10)years of continuous full time service...	\$. \$275.00
b. Upon completion of ten (10) years or more, but less than fifteen (15) years of continuous full time service.	\$625.00
c. Upon completion of fifteen (15) years or more, but less than twenty (20) years of continuous full time service	\$675.00
d. Upon completion of twenty (20) years or more, of continuous full time service	\$. \$725.00
e. Full time employees (35 hrs./wk.) 100% longevity as voted upon completion of eligibility requirements.	
f. Permanent part time employees (at least 20 hrs/wk by job classification) will receive 50% of longevity payment upon completion of eligibility.	
g. Government Programs - Anyone who entered the employ of the Town of East Bridgewater under Government program such as C.E.T.A. will be credited with time served in such programs provided that there is no interruption in service between Government program and subsequent employment by the Town.	
h. L.O.A. - No longevity shall be accrued during the period of any L.O.A. but shall resume at previous rate upon return to work (in other words accumulated time of service will not be lost due to an authorized L.O.A.)	
i. Lay Off - Same as L.O.A.	
j. Casual Part Time - No longevity.	
k. Voluntary resignation or firing - if such a person is later rehired by the Town all previous benefits are void and length of service must start over.	

1. Section 16B will include appointed town employees.

- m. Any permanent employee, upon completion of ten years of service, shall be eligible for special longevity pay. Special longevity pay shall be equal to an increase of 5% of the employee's base salary, and shall be paid as salary compensation. An eligible employee may receive special longevity pay for a period of three years once during their term of employment. The employee shall notify their department head in writing of the desired effective date for special longevity pay. Such notice must be given by April 1st prior to the fiscal year in which the change takes effect. At the end of the three-year period the employee's salary shall revert to the base level for that position.
The special longevity adjustment shall be paid in one (1) three-year continuous period, and may not be taken in

separate increments totaling three years.

(Art. 18, ATM, 5-12-03)

The above payment of longevity shall be payable on the first pay day following anniversary date of employment according to calendar date of employment, and shall be paid at one time on the appropriate year of service. To be effective as of July 1, 1981. (Art. 32, Adj. ATM 4-7-82.) (Article 23, ATM 4-13-1985, G. L. Chapter 41, Section 108A, effective 4-13-1985.) (Art. 25, ATM 4-12-1986.) (Art. 28 ATM 4-1-96 & Adj. Sess. 6-10-96)

SECTION 17. JURY DUTY

A permanent full time employee called for jury duty shall be paid by the Town an amount equal to the difference between the compensation paid for a normal working period and the amount paid by the Court, excluding allowance for travel. The Treasurer shall take appropriate steps to prevent any negative impact of this policy on the retirement contributions of such an employee.

SECTION 18. MILITARY TRAINING

Any full time employee called to temporary active duty under written orders of any branch of the Armed Services of the United States, shall be granted a leave of absence for said term of service and shall receive an amount equal to the difference between his normal compensation and the amount (excluding any travel allowance) received from the United States Government, upon presentation of Certification of the amount so paid by the Armed Services. Said period of temporary active duty shall not exceed

sixteen (16) days in the calendar year.

SECTION 19. BEREAVEMENT LEAVE

In the event of a death of a spouse, child, mother, father, sister or brother of a permanent full time employee, the employee shall be granted leave without loss of pay up to five (5) days. In the event of the death of a mother-in-law, father-in-law, grandparent or grandchild of a permanent full time employee, the employee shall be granted three (3) days. In the event of the death of an aunt, uncle, brother-in-law, sister-in-law, niece, or nephew of a full-time employee, the employee shall be granted one (1) day off without loss of pay, if the funeral is on the employee's regular work day. (Art. 27 ATM 4-1-96 & Adj. Sess. 6-10-96)

In the event of a death in the immediate family of a regular part time employee, the employee shall be granted one (1) day off without loss of pay if the funeral is on a regularly scheduled work day. In the event of the death of an aunt, uncle, brother-in-law, sister-in-law, niece, nephew, employees shall be granted one (1) day off without loss of pay if the funeral is on a regularly scheduled work day. (Art. 14, ATM 4-3-1989)

SECTION 20. EMPLOYMENT CONTRACTS.

The Board of Selectmen may enter written employment contracts with Town employees upon recommendation of the appointing authority for a period of time not to exceed three years to provide for the salary, fringe benefits and other terms and conditions of employment, all such contracts shall be subject to appropriation and subject to approval as to form by Town Counsel. No other Town board, department, commission, other entity, officer, or employee shall have authority to enter a written employment contract with any person.

(Art. 31 Adj. Session ATM 6-13-05)

SECTION 21. HEALTH INSURANCE CONTRIBUTION

Any employee covered by this By-Law, otherwise eligible for health benefits pursuant to Chapter 32B of Massachusetts General Laws and properly enrolled in a health insurance plan offered by the Town shall contribute 30% of the monthly premium for a health insurance plan offered by the Town. Nothing in this By-Law shall prohibit a future modification of this ratio pursuant to a vote of the Board of Selectmen and amendment of this By-Law".

(ATM 6-3-2013, ART. 13)

SECTION 22. AMENDMENT

This By-law may be amended by vote of the Town at any regular or special Town Meeting provided that at least thirty (30) days prior to the Town Meeting at which such amendment is to be considered, the Board shall be appraised in writing of the proposed amendment. The Board shall make a report and recommendation to the Town prior to the taking of any action by the Town upon the proposed amendment. (Art. 31 Adj. Session ATM 6-13-05) (Art 31 Adj. Session ATM 6-13-05)

SECTION 23. CONFLICTING BY-LAWS

All By-laws or parts of By-laws in conflict with this By-law are hereby repealed.

If any provision of this By-law shall conflict with any civil service law or union contract in force or regulation applicable to any position, or any other law, it shall be deemed modified by the law, contract or regulation sufficiently only to end the conflict.

The invalidity of any provision hereof shall not be construed to invalidate any other provision hereof. (ATM 4-4-83, ART. 18)

