

Citizen Petition –

To see if the Town will vote to amend the Dudley General Bylaws, Ch. 74, Personnel Policies and Procedures, PURSUANT TO M.G.L. CHAPTER 41, SECTION 108A AND 108C PERSONNEL POLICIES AND PROCEDURES: by amending Sections 1-Purpose, 3-Personnel Board Established, 4-Responsibilities of Personnel Board, 5-Method, 6-Human Resources Manager, 7- Severability and 8-Annual hourly sick leave buy-back, as shown below, with deleted language stricken through with added language in **Bold** or take any action relative thereto

PERSONNEL POLICIES AND PROCEDURES AUTHORIZED PURSUANT TO M.G.L. CHAPTER 41, SECTION 108A AND 108C

Chapter 74 PERSONNEL POLICIES AND PROCEDURES

§ 74-1. Purpose.

§ 74-2. Scope.

§ 74-3. Personnel Board established.

§ 74-4. Responsibilities of Personnel Board.

§ 74-5. Personnel Director; rules and regulations.

§ 74-6. Severability.

§ 74-7. Annual hourly sick leave buy-back.

[HISTORY: Adopted by the Town Meeting of the Town of Dudley 11-13-1989 (Art. 32 of the 1952 General Bylaws); amended 1991. Subsequent amendments noted where applicable.]

§ 74-1. Purpose. [Amended 10-28-2019 by Art. 30; 6-22-2020 by Art. 11]

The purpose of this bylaw is to establish a Personnel Board and the scope of its responsibilities. The Board's mission is to establish and maintain equitable personnel and employee relations practices for the people who work for the Town of Dudley. This bylaw is authorized by MGL c. 41, §§ 108A and 108C, and Article LXXXIX of the Constitution of the Commonwealth.

§ 74-2. Scope. [Amended 5-27-2004 by Art. 9; 5-23-2005 by Art. 30]

The provisions of this bylaw shall apply to all employees, boards and commissions of the Town who are not covered by collective bargaining agreements as provided in those agreements.

§ 74-3. Personnel Board established. [Amended 5-22-2000 by Art. 9]

A. The Board shall consist of five citizens of the Town who are not paid employees of the Town. The terms of office shall be for three years. Any member may, after a hearing, if requested by the member, be removed for cause by the appointing authority.

B. The members of the Board, upon the expiration of the present members' terms, shall be appointed by the Board of Selectmen for two members, the Town Moderator for one member and the Finance, Appropriation and Advisory Committee for two members. No members shall be from either appointing committee or board. Whenever a vacancy occurs on the Board, the original appointing authority shall fill the vacancy for the unexpired term.

C. In the event that the Personnel Board does not have enough permanent volunteer members to maintain a quorum, the Board of Selectman Chairman, The FAA Board Chairman, the Town Moderator, in that order, will serve as temporary members of the Personnel Board until such time as a volunteer can be appointed as a permanent member of the Personnel Board.

§ 74-4. Responsibilities of Personnel Board. [Amended 6-19-2006 by Art. 30; 10-29-2018 by Art. 22]

The Personnel Board shall serve as the primary board in personnel matters and shall perform the following functions: [Amended 10-28-2019 by Art. 30]

A) The Board shall be responsible for the establishment and ongoing updates to personnel policies and procedures, including, but not limited to: Employment, Job Classification, Hours of Work and Overtime, Benefits, Leaves, Promotions, Reductions in Force, Performance Evaluation, Transfers, Corrective Action and or employment related practices and policies. Such policies should be readily accessible and printed in the Employee Handbook.

B) The Board shall establish policies and procedures as part of The Employee Handbook, for the Human Resources Manager to implement and follow, including:

(1) Employee hiring process, candidate screening, recruitment/testing/selection appraisal/evaluation.

(2) Employee onboarding process, training and development.

(3) Employee benefits and service programs, except that the Treasurer/Collector shall remain as Insurance Administrator and be responsible for group health insurance and workers' compensation plans/programs.

(4) Employee safety and health programs.

(5) Develop consistent and uniform procedures for filling non-union vacancies within the Town Departments.

C) The Board shall classify all jobs and positions and execute a wage and salary administration system.

D) The Board shall propose wage and salary rates each year for the purposes of administering Section 4c above.

E) The Board shall administer a final, binding problem-solving system, by which Town employees may present and resolve grievances.

F) The Board shall research and propose a method to evaluate performance of Town elected and appointed officials.

G) The Board shall recommend compensation for all presently compensated town positions elected and appointed not otherwise covered by the Town's wage and salary system.

H) In the event that a specific provision of this bylaw should conflict with a specific provision of a collective bargaining agreement, adopted in conformance with Chapter 105E of the General Laws, the provision of the particular collective bargaining agreement shall prevail.

§ 74-5. Method

a) With respect to Section 4a above, the Board shall research and prepare proposed rules and regulations, or amendments on their own initiative, or as requested by Town Departments, Boards or employees. The Board shall then notify any affected Boards and Commissions in writing, post notices in prominent locations, and schedule a public meeting with at least ten days' notice. The

Board will consider all relevant information for the meeting then vote on the proposals. A majority vote (when a quorum of the Board is present) shall be considered sufficient for Personnel Board approval. Upon Personnel Board approval of any new rule or employee handbook policy change, an affirming majority vote of the Board Of Selectmen is required for final town adoption.

b) No personnel rule or regulation promulgated by the Board, and subsequently approved by the Board of Selectmen, shall be adopted until prior written notification is made to all effected Boards, commissions, departments and employees, Commissions, Departments and Employees.
c) Any section of the Board under Section 4a and 5a may be rescinded by a Majority vote of the Town Meeting.

§ 74-6. Human Resources Manager; rules and regulations. [Amended 10-29-2018 by Art. 22; 10-28-2019 by Art. 30]

The Town Administrator or his or her designee shall serve as the Human Resources Manager of the Town. The Human Resources Manager will be responsible for the implementation of Personnel Board directives, policies and compliance with town bylaws. The Human Resources Manager will assist Town officials and Department heads in fairly, consistently, and lawfully administering personnel policies and practices that sustain a professional, productive, efficient, and innovative work environment which supports the Town and its departments in effectively performing their missions.

Annual Report: The Human Resources Manager shall annually prepare and submit to the Town Administrator & Personnel Dept a report that shall contain all matters pertaining to their department as required by the Town Administrator.

§ 74-7. Severability.

The provisions of the bylaw and any rules and regulations adopted under its authority are severable. If any section of the bylaw or regulation is declared invalid, the remaining provisions and regulations shall be unaffected.

§ 74-8. Annual hourly sick leave buy-back. [Added 5-23-2005 by Art. 10; amended 10-24-2016 by Art. 9] Regular full-time employees may elect to have the Town buy back unused sick leave at the employee's rate of pay at the time of the request. The maximum number of days the Town will buy back in one fiscal year is 15 days at the 20% rate. Regular full-time employees may also buy back sick time at the time of retirement at 50% up to a maximum of 65 days. Regular part-time employees are eligible as above at the prorated basis. Exempt employees may accrue 15 days per year to a maximum of 65 days. Exempt employees are not eligible for annual sick time buy-back, except at the time of retirement at the 50% rate up to a maximum of 65 days. Elected Town officials are not eligible for any sick time buy-back including any heretofore accrued.