

# DOUGLAS PERSONNEL BYLAW



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## **I. GENERAL PROVISIONS**

### **A. PURPOSE**

The provisions of this Personnel Bylaw (herein referred to as the Bylaw) shall be for the purpose of providing, creating and supervising personnel policies in the Town of Douglas, Massachusetts.

### **B. APPLICATION**

The Bylaw shall apply to all employees, except those positions filled by popular election, those under contract, those covered by a collective bargaining agreement, and those under the direction and control of the School Committee. The Bylaw and Personnel Policies and Procedures may be used as a guide for authorized officials in determining the compensation of and personnel policies for the exempted employees listed above. The Bylaw shall go into effect no later than thirty (30) days from the date of its adoption.

### **C. BYLAW SUPERIORITY**

This Bylaw supersedes any policies, directives or personnel procedures now in effect, unless otherwise provided or mandated by law.

### **D. SEVERABILITY**

Should any portion, section or provision of this Bylaw be found invalid for any reason, that finding shall not affect the validity and force of any other section, portion or provision of this Bylaw.

## **II. CREATION OF THE PERSONNEL ADVISORY BOARD**

### **A. There shall be an unpaid Personnel Advisory Board consisting of five (5) town residents to be appointed as follows:**

Two (2) members by the Board of Selectmen

Two (2) members by the Finance Committee

One (1) member by the Town Clerk

All members of the Personnel Advisory Board should not be in conflict with any provisions of the Massachusetts Conflict of Interest Law M.G.L. 268A. All appointments will be for three (3) year terms. Any member may be reappointed. In the

event of a vacancy on the Board, it shall be filled by the same appointing authority for the unexpired term.

- B.** In making these appointments, the appointing authority shall give consideration to the personal qualifications of those citizens who will best meet the responsibility of the Board to represent both Town employees and taxpayers. If possible, the make-up of the Board shall consist of people who are familiar with the principles and experienced in the methods and practices of labor relations and personnel administration.
- C.** Forthwith after its appointment, and annually, a majority of the Board shall meet and organize by electing a chairman, vice-chairman and secretary. A majority of the Board shall constitute a quorum for the transaction of business. A majority of the Board shall determine the action the Board must take on all matters which it is authorized or required to act upon under this Bylaw.

### **III. POWERS AND DUTIES OF THE PERSONNEL ADVISORY BOARD**

- A.** The Board shall be vested with - powers and duties - as set forth herein.
- B.** The Board shall make recommendations to the Town Administrator relative to the adoption of rules and regulations and/or policies and procedures that are necessary for the proper administration of this Bylaw and the administration of the classification and compensation plan.
- C.** The Board secretary shall keep proper and adequate records of meetings of the Board.
- D.** The Board may adopt rules and regulations, consistent with the provisions of the Bylaw, for the conduct of its meetings.
- E.** The Board shall annually review the provisions of the plan and make recommendations to the Town Administrator regarding actions that are necessary to maintain the plan and/or policies fairly and equitably. Said recommendations may, after approval of the Town Administrator, and final approval by the Board of Selectmen, take the form of an article on the warrant for consideration by any annual or special town meeting, provided that such action is in conformance with

the General Bylaws of the Town. Such recommendations shall be made available for review by all departments in preparing their annual budgets.

- F.** The Board shall make recommendations to the Town Administrator regarding the content of written job descriptions subject to this Bylaw and specifications of the classes in the classification plan for the administration of this Bylaw.
- G.** The Board shall make an annual report in writing, which shall be included in the annual Town Report.
- H.** The Board in carrying out its duties under this Bylaw shall exercise the town policy of equal employment opportunity.
- I.** The Board may make recommendations to the Town Administrator regarding the establishment and amendments to the Town's Personnel Policies and Procedures. Amendments to the Town Policies and Procedures are subject to the approval of the Town Administrator, and final approval by the Board of Selectmen. The Personnel Board shall, prior to making such recommended amendments to the Personnel Policies and Procedures, meet with the Town Administrator to discuss the same.

#### **IV. POWERS AND DUTIES OF THE TOWN ADMINISTRATOR**

- A.** The Town Administrator shall be responsible for the administration of this Bylaw and any classification and compensation plans and such rules and regulations regarding such plans. The Town Administrator may accept or reject the Personnel Advisory Board's recommendations with respect to any classification and compensation plans and such rules and regulations regarding such plans. The Town Administrator or his/her designee shall maintain adequate personnel records of all employees occupying positions subject to this Bylaw and any classification and classification plans.
- B.** The Town Administrator, subject to approval by the Board of Selectmen, is empowered and authorized by this bylaw to adopt personnel policies defining the rights, benefits and obligations of employees subject to this bylaw. Such policies shall become effective in accordance with the following procedure:
  - i. The Town Administrator may propose new, amended or revised policies. The Personnel Advisory Board or any employee may suggest policies for

- consideration by the Town Administrator. The Town Administrator need not consider any proposal already considered in the preceding twenty-four months.
- ii. Any proposed new, amended or revised policies shall be posted for a period of at least ten (10) days after being proposed, during which time comments, information and questions regarding any proposed policy may be provided to the Town Administrator. A public hearing shall be held following the 10 day posting.
  - iii. At such time the Town Administrator seeks to adopt a proposed new, amended or revised policy, the Town Administrator shall present the same to the Board of Selectmen.
  - iv. Any new, amended or revised policies shall become effective upon approval by a majority vote of the Board of Selectmen, unless a specific effective date is provided.
  - v. Copies of new or amended policies shall be posted in prominent locations within the Town Hall.

## **V. COOPERATION OF PERSONNEL ADVISORY BOARD WITH OTHER COMMITTEES AND BOARDS**

The Personnel Advisory Board shall upon the Board of Selectmen's request, confer with the Board of Selectmen with regard to wages, salaries, hours and conditions of employment of town employees.

## **VI. DEFINITIONS**

“Full-time employee,” an employee regularly scheduled to work a minimum of thirty (30) hours per week for fifty-two (52) weeks per year.

“Regular Part-time employee,” an employee regularly scheduled to work twenty (20) to twenty-nine (29) hours per week for fifty-two (52) weeks per year or a minimum of 1,040 hours.

“Limited Part-time employee,” an employee who works fewer than 20 regularly scheduled hours per week or fewer than 1,040 hours a year for fifty-two (52) weeks per year.

“Temporary, Fill-in, Seasonal or Per Diem employee,” an employee who works less than 1,040 hours per year and less than fifty-two (52) weeks per year.

All other definitions are listed in the Town of Douglas Personnel Policies and Procedures.

## **VII. EMPLOYEE BENEFITS**

**A.** A newly hired full time employee and regular part time employee shall be awarded the pro-rated share of one week of vacation beginning with the end of their 90 day probationary period to the beginning of the next fiscal year, rounded to the next highest half day increment.

### **B. VACATION**

A vacation week is based on the number of days an employee normally works in a scheduled week.

For full-time employees, paid vacation and personal days are as follows:

Years of Service	Vacation Weeks	Personnel Days
1	1	3
2	2	3
5	3	3
10	4	3
15	5	3
20	6	3

For regular part-time employees, paid vacation and personnel days are as follows:

Years of Service	Vacation Weeks	Personnel Days
1	1	2
2	2	2
5	3	2
12	4	2

Employees wishing to use vacation time shall submit a request in writing to the department head at least two weeks in advance of the time to be used, unless the supervisor agrees to

shorter notice. Department heads shall submit written requests to the appointing authority at least two weeks in advance of the time to be used, or as directed by the appointing authority.

### **C. HOLIDAYS**

Full-time and regular part-time employees shall be entitled to the holidays as follows:

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Patriots Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- $\frac{1}{2}$  day Christmas Eve + Christmas Day

If the holiday falls on Saturday, the holiday will be observed on Friday for employees who normally work on Friday. If it falls on Sunday, it will be observed on Monday for employees who normally work on Monday. Holiday pay for full-time and regular part-time, non-exempt employees shall be paid for the hours normally scheduled for that day. Limited part-time, temporary, fill-in, per diem and seasonal employees shall not receive holiday pay.

Non-exempt full-time and regular part-time employees performing their official duties on a holiday and employees performing emergency work on a holiday shall be paid at the rate of one and one-half their basic hourly rate of compensation.

### **D. SICK DAYS**

A full-time or regular part-time employee shall be granted non-occupational sick leave with full pay as follows:

- Employees will begin accruing sick leave from their date of hire. However, they will not be eligible to utilize such leave until completion of the probationary period.
- Subsequent accrual will be based on a fiscal year.
- Sick leave shall be credited monthly at a rate of 1.25 days (or hours equivalent to one and a quarter normal work days) per month after each month of employment and may be rolled over from fiscal year to fiscal year with a maximum of 120 days.
- Employees who are off the payroll for more than one day in the month shall not be credited with sick leave for that month, unless under the provisions of the Family Medical Leave Act (FMLA).
- Limited part-time, temporary, fill-in, per diem and seasonal employees shall not receive sick pay.

Additionally, any permanent full-time or regular part-time employee who has accrued a minimum of 8 sick days may join the Sick Leave Bank and must contribute a minimum of 3 days (or hours equivalent to 3 normal work days) during their initial enrollment year and at least one (1) sick day (or equivalent hours) per year thereafter. New employees are eligible to join after seven (7) months of employment if they have accrued eight (8) sick days. The total contribution of sick days is at the discretion of each employee. No contributed sick days shall be returned to the employee upon withdrawal from the Sick Leave Bank.

#### **E. TUITION REIMBURSEMENT**

Full-time employees who have worked for the Town for at least one year are eligible for reimbursement for tuition, registration fees, and books for work-related courses which serve to improve their knowledge and skills related to their positions with the Town. Reimbursement will be at an annual maximum of \$2,000.00.

Approval for the particular course must be requested prior to enrollment in order to be eligible for reimbursement and in order to qualify must have the recommendation of the department head and the approval of the Board of Selectmen. Approval is subject to sufficient municipal funds. Reimbursement shall be made subject to successful completion of the course or program. The Town shall require the employee to sign an

agreement to remain in the Town's employment for a period of up to two years after completion of the course or else be willing to reimburse the Town for the funds.

To receive reimbursement a fully executed copy of the Educational Assistance Request Form contained in the Personnel Policies and Procedures along with proof of payment to the educational institution and an official transcript of the grade must be submitted.

#### **F. BEREAVEMENT LEAVE**

Every full-time and regular part-time employee shall be entitled to a maximum of five days (or hours equivalent to five (5) normal work days) absence without loss of pay shall be permitted in case of death of a member of his or her immediate family. Immediate family is defined as spouse or child. A maximum of three (3) days (or hours equivalent to three (3) normal work days) absence without loss of pay shall be permitted in the case of death of any other family member which would include parent, brother, sister, parent of spouse, grandparent, brother-in-law, sister-in-law, grandchild or a person living in the employee's household. Limited part-time, temporary, fill-in, per diem and seasonal employees are not eligible for bereavement leave.

#### **G. LONGEVITY**

Beginning in Fiscal Year 2022, all non-union full time, regular part time and limited part time employees of the Town subject to the terms of a personal employment contract or the terms of this by-law shall receive a longevity incentive provided that:

- 1) The employee has worked for a total of fifteen (15) years for the Town of Douglas as of June 30 of the previous fiscal year; and
- 2) The employee is in the employ of the Town as of July 1 of the fiscal year in which payment will be made.

Full time employees shall receive a one thousand dollar (\$1,000) incentive payment in the first full pay period after July 1 each year for the duration of this program. Regular and limited part time employees shall receive a prorated incentive calculated as (\$1,000) times the fraction (average weekly hours/thirty [30]). Employee longevity incentives will be calculated each year using the employee's status as a full time, regular or limited part time employee as of July 1.

Longevity incentive pay will be awarded each year until Town Meeting approves a new compensation system to replace the compensation system in place as of July 1, 2021.

## **VIII. PERSONAL LEAVE**

All fulltime employees are entitled to three (3) days of personal leave with pay each fiscal year to be earned and taken in the same manner as vacation benefits for the purpose of attending to personal business which unavoidably conflicts with the employee's work schedule or to observe religious holidays. All regular part-time employees are entitled to two (2) days (or hours equivalent to two normal work days) of personal leave with pay. Personal leave that is not utilized by June 30<sup>th</sup> of the year in which it is credited shall be forfeited.

## **IX. NON-UNION FULL TIME PLOYEES OF THE POLICE DEPARTMENT AND THE FIRE AND AMBULANCE DEPARTMENT**

Non-union full time employees of the Police Department and the Fire and Ambulance Department, exclusive of the Chiefs, may be appointed by the Town Administrator upon the written request of the Chief of Department, provided that the positions are authorized and funded by Town Meeting, and subject to the following conditions:

1. The job description for any such position shall be approved by the Town Administrator prior to the posting of the position;
2. The positions so created will be subject to, and enjoy the terms of, Sections VI, VII and VIII of this by-law;
3. The Town Administrator may, in a written offer of employment accepted and signed by the employee, negotiate a contract term of employment of up to three years, with each year subject to Town Meeting appropriation, that will establish the terms and conditions of the employee's employment, including, but not limited to,
  - a. A bi-annual clothing stipend to cover expenses associated with obtaining and maintaining the standard issue and formal uniforms of the Department into which the employee is being hired;
  - b. Use of a Town owned vehicle, or reimbursement for use of the employee's vehicle on official business, including response to calls for assistance;
  - c. Provisions relative to renewal, non-renewal, non-reappointment, and removal;

- d. Payment for dues and subscriptions relative to professional development and participation in national, regional, state and local associations and organizations;
  - e. Conducting an annual performance evaluation; and
  - f. A rate of compensation, that may be in excess of the wage and classification plan, taking into account the employee's tenure with the Town, or in similar roles for another employer, and subject to Town Meeting appropriation.
4. With respect to all other terms of employment, the positions shall be subject to the Personnel Policies and Procedures and Personnel Bylaw of the Town of Douglas, as amended.