

Chapter 220

PERSONNEL POLICIES AND PROCEDURES

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as last amended May 2007. Subsequent amendments noted where applicable.]

ARTICLE 1 Personnel Board

§ 220-1.1. Establishment.

There shall be a Personnel Board organized in the manner, and having the powers and duties, hereinafter prescribed in this chapter.

§ 220-1.2. Composition and term of office.

The Personnel Board shall consist of five (5) [amended from seven (7) 5-1993] registered voters of the Town who shall hold no other elective or appointive Town office nor be employed by the Town. The terms of office of the members originally appointed shall be for one (1), two (2) or three (3) years and so arranged that the terms of approximately one-third (1/3) of the members will expire each year, and their successors shall be appointed for terms of three (3) years each. Any member may, after a hearing is requested by him/her, be removed for cause by the appointing authority.

§ 220-1.3. Appointment and filling of vacancies.

The members of the Personnel Board shall be appointed by the Board of Selectmen at the Annual Town Meeting. Whenever a vacancy occurs on the Personnel Board, the Board of Selectmen shall fill the vacancy for the unexpired term.

§ 220-1.4. Powers and duties.

The Personnel Board shall have the following powers and duties:

- A. To conduct, in conjunction with the Town Administrator, research into wages, hours, and other terms and conditions of employment prevailing in the area.
- B. To prepare, in conjunction with the Town Administrator, for submission to the Town meeting, a classification plan classifying all positions, other than those filled by popular election or that are classified via contract, into groups and classes doing substantially similar work or having substantially equal responsibilities.
- C. To prepare, in conjunction with the Town Administrator, for submission to the Town Meeting, a salary plan establishing minimum and maximum salaries to be paid to employees in positions so classified. Any such salary plan may provide for the attainment of such maximum salaries by periodic step-rate increases based on length of service and/or

performance.

- D. To prepare, in conjunction with the Town Administrator, for submission to the Town Meeting, personnel rules applicable to employees in positions so classified and in instances that are not covered by a contract. Such rules may include:
- (1) Methods of determining the merit and fitness of candidates for appointment and promotion;
 - (2) Policies and procedures of government employees holding provisional appointments;
 - (3) Policies regarding in-service training programs;
 - (4) Provisions governing days and hours of work;
 - (5) Attendance regulations;
 - (6) Provisions for sickness, vacation, military and other leave;
 - (7) Policies and procedures covering relationships with employee organizations;
 - (8) Policies and procedures regulating reduction in force and removal of employees;
 - (9) Grievance procedures, including procedures for the hearing of grievances; and
 - (10) Such other practices and procedures as may be appropriate for the administration of the personnel system of the Town.
- E. From time to time, to prepare, in conjunction with the Town Administrator, for submission to the Town Meeting, amendments to the classification and salary plans and the personnel rules.
- F. To administer, in conjunction with the Town Administrator, the classification and salary plans, the personnel rules and any other provisions of these personnel bylaws, determine any questions arising thereunder, and advise the Town Meeting and the Board of Selectmen and other Town agencies in any matter pertaining thereto.

ARTICLE 2
Classification Plan

§ 220-2.1. Plan. [Amended 10-19-2010 STM by Art. 16; 5-18-2015 ATM by Art. 13]

Except as otherwise provided by law, if at all, neither title nor the grade of any position covered by this bylaw may be changed without prior approval of the Board of Selectmen, which shall seek the recommendation of the Personnel Board (and of the Town Administrator if someone then holds that position) before acting upon any such change, such changes to be made only by action of an Annual Town Meeting.

Classification Plan

Grade Title

- N 1 Kitchen Assistant
Page
- N 2 Kitchen Site Manager
- N 3 Laborer
- N 4 Department Assistant
Custodian
Outreach Coordinator
Firefighter-Call
EMT-Call
- N 5 Assistant Animal Control Officer
Administrative Assistant
Cable Coordinator
EMS Coordinator
Head of Youth Services/Assistant Director
Economic Development Coordinator
Veterans Services Director
Water/Sewer Administrator
- N 6 Animal Control Officer
Cemetery Superintendent
Conservation Agent/ GIS Mapping
Council on Aging Director
Highway Foreman
- N 7 Director of Assessing
Building Commissioner/Zoning Enforcement Officer
Town Collector
Deputy Fire Chief
Police Lieutenant
Planning Director
Town Treasurer

- N 8 Highway Superintendent
Library Director
Planning Director/EDC
Town Accountant
- N 9 Fire Chief
Police Chief
- N 10 Town Administrator

ARTICLE 3
Salary Plan

§ 220-3.1. Changes and adjustments.

Except as otherwise provided by law, if at all, the salary of no employee covered by this bylaw shall be changed without the recommendation of the Town Administrator and the Board of Selectmen, which shall seek the recommendation of the Personnel Board and the Finance Committee before acting upon any such change.

§ 220-3.2. Annual cost-of-living increases. [Added 11-1-2005 STM by Art. 17]

Notwithstanding the immediately preceding section, which requires approval of changes in salary by the Board of Selectmen after consultation with the Personnel Board, Finance Committee and Town Administrator, and subject to specific Town Meeting appropriation for same, annual cost-of-living increases for employees subject to the Personnel Bylaw will automatically be provided at a level equal to or higher the average percentage of such cost-of-living increases (as contrasted with increases in base pay and merit increases) granted to the Town of Charlton bargaining units represented by unions whose wage increases have been approved in time for inclusion in the Finance Committee's annual budget report submitted to the Annual Town Meeting.

ARTICLE 4
Benefits

§ 220-4.1. Applicability and interpretation.

The benefits set forth below shall be provided to eligible Town employees. As such, employees are defined in Article 5 of this Bylaw.

§ 220-4.2. Life insurance.

The Town shall contribute seventy-five percent (75%) to a basic life insurance plan for all eligible employees as at present.

§ 220-4.3. Health insurance.

The Town shall contribute eighty percent (80%) towards a major indemnity insurance plan or an equivalent amount to other group health insurance, as specified by the Town. See MGL c. 32B, § 3.

§ 220-4.4. Holidays.

- A. All eligible employees of the Town shall be entitled to the following thirteen (13) paid holidays per year.
- (1) New Year's Day.
 - (2) Martin Luther King, Jr.'s Day.
 - (3) President's Day.
 - (4) Patriot's Day.
 - (5) Memorial Day.
 - (6) Independence Day.
 - (7) Labor Day.
 - (8) Columbus Day.
 - (9) Veteran's Day.
 - (10) Thanksgiving Day.
 - (11) Day After Thanksgiving.
 - (12) Christmas Day.
 - (13) Christmas Eve afternoon. (Only when Christmas Eve afternoon falls on a workday, it is considered a holiday. Employees shall be excused with pay from all duties not required to maintain essential Town services.)
- B. All eligible employees shall receive one (1) day's pay for each of the holidays listed above. Whenever any of the holidays listed occurs on Saturday or Sunday, the holiday shall be observed according to state guidelines.
- C. All eligible part-time employees of the Town shall only be entitled to the holidays listed if they occur or are observed on their regular scheduled workday. Pay will be equal to hours regularly scheduled for that day.
- D. Holiday leave pay shall in no event be more than one (1) day's pay per employee per holiday.

§ 220-4.5. Vacation.

- A. All eligible employees of the Town shall be entitled to vacation time with pay as follows:

Vacation	Required Continuous Employment
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2 weeks per year After first 6 months of employment

3 weeks per year After 5 years of employment

4 weeks per year After 10 years of employment

5 weeks per year After 15 years of employment

- B. The vacation year is the twelve-month period from July 1 through June 30 each year, except after the completion of the six-month probationary period. The length of continuous service is determined by the number of years of service which the employee has completed as of July 1 of each year. An employee who, as of July 1 of a given year, has not reached the five-year increments of continuous service required in Subsection A so as to qualify for a greater vacation entitlement, but who does reach such increment during the course of such year, will be entitled to the additional vacation time provided by such increment as of the anniversary of such employee's benefit eligibility date. [Amended 10-27-2009 STM by Art. 12]
- C. For the purpose of vacation time, a "week" shall consist of the average number of scheduled hours worked by the employee on a regular basis, not to exceed a maximum of forty (40) hours. [For example, an employee working forty (40) hours or more per week shall receive forty (40) hours' pay for each vacation week. An employee working twenty (20) hours per week shall receive twenty (20) hours' pay for each vacation week.]
- D. Computation of required continuous employment with the Town for vacation leave benefits shall include both part- and full-time employment as an eligible employee as defined in Article 5, § 220-5.1.
- E. A maximum of one (1) week of vacation may be carried over to a succeeding year when requested by an employee prior to June 30 and when approved by the Town Administrator.

§ 220-4.6. Sick leave.

- A. All eligible employees of the Town shall earn one and a quarter (1.25) paid sick days per month.
- B. A sick day shall be equal to the average number of hours the employee is regularly scheduled to work per day. Unused sick days may be carried over to the succeeding fiscal year or years, but shall not be accumulated for a total of more than one hundred fifty (150) days.
- C. All eligible employees with five (5) or more years of service with the Town of Charlton shall receive full payment for accumulated sick leave not to exceed forty-five (45) days upon retirement at the employee's regular hourly rate. Any employee who is eligible to receive payment for unused sick days shall (if possible) notify the Town six (6) months prior to retirement. Upon death of an employee, payment shall be made to the employee's

beneficiary as stipulated on the employee's life insurance policy provided by the Town of Charlton.

- D. Sick time may be used for the employee's illness or the employee's care of the employee's spouse, significant other, child or any member of the employee's immediate family, provided the person requiring such care resides in the employee's household. [Added 10-19-2010 STM by Art. 15]

§ 220-4.7. Leave of absence.

Employees may request a leave of absence without pay. The request shall be in writing to the Department Head stating the reason the leave of absence is being requested and the beginning and ending dates. The Department Head will submit the request with his/her recommendations to the Town Administrator. The Town Administrator will submit a written decision to the Department Head. The employee shall receive a written response from the Department Head stating the decision. Either party may appeal the decision to the Board of Selectmen.

§ 220-4.8. Bereavement leave.

- A. All eligible full- and part-time employees shall be granted up to four (4) scheduled working days as bereavement leave with pay.
- B. Bereavement leave shall be granted for the death of any following family members: spouse, significant other, child, father or mother, stepfather, stepmother, loco parentis, brother or sister, stepbrother, stepsister, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law or stepchild, whether or not such relative resides in the employee's household, or any person living in the employee's household.
- C. For other relatives, a maximum one (1) day of paid leave of absence will be granted. Special or unusual situations (such as the need for extra time for travel) will be considered on an individual basis by the Town Administrator. Employees granted such bereavement leave extension may be required to use accrued vacation leave or personal leave.

§ 220-4.9. Family leave.

Family leave shall be granted in accordance with the Family Medical Leave Act of 1993 and/or in accordance with the Small Necessities Leave Act of 1998.

- A. The Family and Medical Leave Act.
 - (1) The Family and Medical Leave Act (FMLA) provides an entitlement of up to twelve (12) weeks of job-protected, unpaid leave to eligible employees. The employer must grant an eligible employee FMLA for the following reasons:
 - (a) Birth and care of the employee's child, or placement for adoption or foster care of a child with the employee;
 - (b) Care of an immediate family member (spouse, child, parent) who has a serious health condition; or
 - (c) Care of the employee's own serious health condition.

- (2) If an employee was receiving group health benefits when leave began, the Town of Charlton will maintain them at the same level and in the same manner during periods of FMLA leave as if the employee had continued to work. The Town may elect or require the use of any accrued paid leave (vacation, sick, personal, etc.) for periods of unpaid FMLA leave.
- (3) Employees may take FMLA leave in blocks of time less than the full twelve (12) weeks on an intermittent or reduced leave basis when medically necessary. Taking intermittent leave for the placement, adoption, or foster care of a child is subject to the Town's approval. Intermittent leave taken for the birth and care of a child is also subject to the Town's approval except for pregnancy-related leave that would be leave for a serious health condition. Approved FMLA leave for maternity shall run concurrent with the Maternity Leave Act.
- (4) When the need for leave is foreseeable, an employee must give the Department Head at least thirty (30) days' written notice, or as much notice as is practicable. When the leave is not foreseeable, the employee must provide such notice as soon as possible.
- (5) The Town may require medical certification of a serious health condition from the employee's health care provider. An employer may also require periodic reports during the period of leave of the employee's status and intent to return to work, as well as "fitness-for-duty" certification upon return to work in appropriate situations.
- (6) An employee who returns from FMLA leave is entitled to be restored to the same or an equivalent job (defined as one with equivalent pay, benefits, responsibilities, etc.). The employee is not entitled to accrue benefits during periods of unpaid FMLA leave, but the employer must return him/her to employment with the same benefits at the same levels as existed when leave began.
- (7) An "eligible employee" is an employee who has been employed by the Town for at least twelve (12) months, and has been employed for at least one thousand two hundred fifty (1,250) hours of service during the twelve-month period immediately preceding the commencement of the leave.

B. The Small Necessities Leave Act.

- (1) The Small Necessities Leave Act permits an employee leave for the following purposes:
 - (a) To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference or interviewing for a new school;
 - (b) To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
 - (c) To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes.
- (2) The twenty-four (24) hours of leave available under this benefit are in addition to the

twelve (12) weeks of leave provided for under the Federal Family and Medical Leave Act. The twenty-four (24) hours may be taken within the twelve-month calendar year period and the time may be taken on an intermittent [i.e., two (2) hours to attend a parent-teacher conference] or reduced-time schedule.

- (3) An employee is required to provide his/her department with seven (7) days' written notice of the need for the leave if the leave is foreseeable. If the necessity for the leave is not foreseeable, the employee is required to provide notice of the leave as soon as practicable.
- (4) The law provides for an unpaid leave of absence. An employee may elect to use any available accrued vacation, personal or sick leave benefits, provided the use of such time is in accordance with the employee's appropriate collective bargaining agreement.
- (5) A Department Head may require that written certification or documentation support a request for leave under this Act.
- (6) An "eligible employee" is an employee who has been employed by the Town for at least twelve (12) months, and has been employed for at least one thousand two hundred fifty (1,250) hours of service during the twelve-month period immediately preceding the commencement of the leave.

§ 220-4.10. Maternity leave.

- A. Maternity leave shall be granted in accordance with MGL c. 149, § 105D (Massachusetts Maternity Leave Act). This section is intended simply to describe the provision of MGL c. 149, § 105D, as they existed when this became effective.
- B. An eligible employee who has worked for at least three (3) consecutive months as a full-time employee and who gives written notice, if possible, at least two (2) weeks advance to her Department Head of her anticipated date of departure and her anticipated date of return, shall be allowed maternity leave of eight (8) weeks for the purpose of giving birth or for adopting a child under three (3) years of age. If an employee has accrued sick leave or vacation time at the commencement of her maternity leave, she may use such leave and/or vacation time for which she may be eligible. Maternity leave shall be without pay. All maternity leave shall run concurrent with Family Medical Leave Act and Small Necessities Act where applicable.

§ 220-4.11. Military reserve leave.

- A. Military leave, or its equivalent, shall be granted to any employee upon submission of satisfactory documentation in accordance with applicable state and federal law.
- B. Any employee, upon proper notice, may take an unpaid military leave of absence to perform service in the uniformed services. The military leave of absence may be involuntary or voluntary. The employee retains the right to return to his/her former position upon return from active duty. Health insurance will be provided at the same contribution level for the first thirty (30) days of military leave after which the employee may elect to continue participation by paying one hundred two percent (102%) of the monthly premium.

If the employee does not participate, he/she has the right to join the health insurance group immediately upon return from military leave. Military leave is limited to five (5) years of cumulative service during employment with the Town of Charlton. Employees considering military leave should consult USERRA regulations as well as applicable state and federal laws for additional rights and requirements.

§ 220-4.12. Jury duty/witness leave.

- A. Jury duty/witness leave shall be granted in accordance with MGL c. 234A.
- B. An employee summoned for jury duty shall receive from the Town the difference between the compensation of the employee received for such jury service and the regular wages the employee would have earned for the day, exclusive of any travel or other allowance, upon submission of satisfactory documentation.
- C. An employee summoned by the Town, as a witness on behalf of the Town, shall be granted leave with pay for the time lost from the employee's regular work schedule.

§ 220-4.13. Time off to vote.

Time off to vote will be granted in accordance with applicable state law.

§ 220-4.14. Personal days.

- A. All eligible employees will be allowed three (3) personal days per fiscal year with no loss in pay (part-time employees on a pro-rated basis). Personal days will not be allowed to accumulate year to year.
- B. Personal days shall be available to new eligible employees but only after completion of six (6) months of work for the Town.

**ARTICLE 5
Policy**

§ 220-5.1. Definitions.

The words and phrases in this chapter shall have the following meanings except where the context clearly indicates a different meaning:

APPOINTING AUTHORITY — The Board of Selectmen.

DEPARTMENT HEAD — The Department Head is the person in charge of the department either because elected or because designated by the appointing authority.

ELIGIBLE EMPLOYEE — One who is currently employed by the Town and who is regularly scheduled to work a minimum of twenty (20) hours per week.

FULL-TIME EMPLOYEE — One who is currently employed by the Town and who is regularly scheduled to work a minimum of thirty-two (32) hours per week.

SUPERVISOR — The Supervisor is the person, if any, in charge of subordinates, as designated by the Department Head or appointing authority.

WORKDAY — For purposes of calculating holiday pay and personnel leave, a workday shall be the weekly number of hours an employee in a particular position is required to work on a regular basis per her or his job description, divided by the number of days in a regular workweek for such position, all as determined by the Board of Selectmen. [Added 5-18-2015 ATM by Art. 14]

WORKWEEK — Four or five workdays totaling not more than 40 hours, as determined by the Board of Selectmen for a particular position. [Added 5-18-2015 ATM by Art. 14]

§ 220-5.2. Personnel Board advice and recommendations.

The Personnel Board was formed to provide the Town with the benefit of particular knowledge, experience and expertise in employment matters and will provide the Board of Selectmen with advice and recommendations regarding such matters upon request.

§ 220-5.3. Collective bargaining.

The Personnel Board shall be a resource for the Selectmen in the collective bargaining process.

§ 220-5.4. New position.

No new position shall be established without a recommendation from the Town Administrator and Personnel Board advising whether or not all of the procedures in this bylaw have been followed. (It is not the intent of this section that the Personnel Board substitute its judgment for that of the Selectmen in determining whether or not a position is necessary.)

§ 220-5.5. Job descriptions.

All positions ideally should have a written job description as prepared by the Town Administrator and approved by the Personnel Board. Each employee shall be given a copy of his/her job description. Lack of a job description shall have no legal impact.

§ 220-5.6. Recruitment.

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining qualified candidates, allowing for preference to residents if all considerations are equal. The official notice of a job vacancy shall be posted through the Town Administrator's office on a public bulletin board within the Charlton Town Hall for not less than seven (7) days and shall be published in a newspaper of local circulation, at least seven (7) days prior to close of the period specified for submission of an application. Publishing requirements shall be waived if the position is to be filled by the promotion of a present employee.

§ 220-5.7. Examinations.

- A. Under the direction of the Town Administrator's office, the Personnel Board may require medical exams of each new employee as a condition of employment. The examination shall be at the expense of the Town and by a physician appointed by the Town.
- B. Written and/or other types of exams may be required and administered by Town officials or Department Heads as necessary. If such exams are required, copies of the exams and

results shall be submitted to the Town Administrator for verification of consistency of standards and accuracy of results.

§ 220-5.8. Training.

Any training by the Town of employees shall be arranged for or provided by the Town of Charlton, unless otherwise provided by Massachusetts General Laws. The question of who will bear the cost of such training will be studied and determined by the Town Administrator on a case-by-case basis.

§ 220-5.9. Evaluation.

The Town has the right to evaluate an employee's performance at any time.

§ 220-5.10. Probation.

- A. All new employees shall be on probation for the first six (6) months.
- B. All current employees promoted shall be on probation for the first six (6) months in the new position.

§ 220-5.11. Transfers.

An employee transferred from one (1) job to another in Town employment shall retain all benefits, if any, already vested as of the date of transfer.

§ 220-5.12. Promotions.

Any Town employee may apply for any promotion posted under § 220-5.6 above. Consideration will be given to knowledge, skills, experience, education and seniority.

§ 220-5.13. Layoffs.

In the case of the necessity of layoff or reduction of personnel for lack of work or by reason of fiscal constraints, layoffs shall be determined first by the needs of the Town on a department and position-by-position basis. If there is more than one (1) employee in a particular department position, the decision will be made according to reverse order of seniority, all other things being equal.

§ 220-5.14. Discipline.

- A. Discipline shall primarily be the responsibility of the Town Administrator in conjunction with the Department Head and/or Supervisor and may include one (1) or more of the following: oral reprimand, written reprimand, suspension, disciplinary probation and/or discharge.
- B. The above list is illustrative and not definitive and is not intended to limit the employer.
- C. A written, dated notice of the above on a standard form prepared by the Personnel Board shall be given to the employee with a copy kept by the Department Head in the employee's

personnel file.

§ 220-5.15. Grievance procedures.

(Reserved for grievance procedure to be submitted at a future Annual Town Meeting for consideration with warrant article on creation of Personnel Relations Review Board and Acceptance of MGL c. 40, § 21B.)

§ 220-5.16. Records; maintenance of personnel files.

- A. A personnel file will be maintained on each employee (appointed, paid individuals) of the Town.
- B. Each file must contain:
 - (1) Name, address, date of birth.
 - (2) Job application and/or resume and related documents.
 - (3) Job title and job description.
 - (4) Grade and rate of pay and other compensation.
 - (5) Probationary period reports.
 - (6) Performance evaluations and disciplinary action forms, including termination notices.
 - (7) Waivers.
 - (8) Completed I-9 forms.
- C. Medical information about employees is not part of the personnel file and must be kept in separate files from the personnel file.
- D. Department Heads will be responsible for obtaining the required documents on the employees in their departments, and forwarding them to the Town Administrator.
- E. All personnel files are to be kept in the Office of the Selectmen or in a secure area of their choosing and under their direct control.
- F. The Selectmen, the Department Heads, Town Administrator or administrative assistant shall have access to the personnel files. The Personnel Board may have access to the files upon majority vote of their Board and upon written request.
- G. Employees have the right to review their own personnel file. If an employee wishes to review his/her file, he must set up an appointment with the Selectmen, Administrative Assistant or Town Administrator. Employees must be notified in writing within ten (10) days of any additions or deletions to their personnel file. The employee must review the file in a designated area and in the presence of a Personnel Board member, the Town Administrator or a designee.

§ 220-5.17. Savings clause.

If any provision of this bylaw shall be found contrary to law, then such provision shall not be deemed valid except to the extent permitted by law and all other provisions of this bylaw shall continue in full force and effect.

§ 220-5.18. Employment at will.

Nothing contained in this bylaw shall constitute an employment contract or abridge or be deemed to abridge the right of the employer not to employ an employee for any given fiscal year.

§ 220-5.19. Amendments.

This bylaw may be amended by vote of the Town Meeting. The Personnel Board shall be notified in writing of the proposed amendment within sixty (60) days prior to the Town Meeting at which amendment is to be considered. The Personnel Board shall make recommendations and report to the Town prior to any action taken by the Town with regards to the proposed amendment. Failure of such notice or of the Personnel Board to report to the Town shall not prevent the Town from taking action on the proposal.