

## **SECTION 1.0 GENERAL PROVISIONS**

### ***BYLAW SECTION 1.1 Purpose***

*The purpose of this Bylaw is to establish a system of human resources administration based on merit principles including, but not limited to:*

- (a) recruitment, selection and classification of employees under fair and open competition on the basis of abilities, knowledge, education and skills for the position;*
- (b) fair and equitable treatment of all applicants and employees in all aspects of the human resources system, without regard to age, race, religion, color, creed, gender, sexual orientation, national origin, political affiliation, or disability and with proper regard for privacy and constitutional rights;*
- (c) retention, where possible, and advancement of employees based on performance, work history, cooperative attitude, service to the public and the Town's fiscal stability; and*
- (d) ongoing review of employee goals and objectives with reasonable efforts to assist employees to enhance skills and performance.*

### ***BYLAW SECTION 1.2 Application***

*All Town Departments and personnel shall be subject to the provisions of this Bylaw and the policies and procedures adopted pursuant to this Bylaw, except elected officers, employees of the School Department, Temporary Employees and Seasonal Employees.*

*Whenever a provision of this Bylaw conflicts with any provision of a collective bargaining agreement or an employment agreement, the terms of the collective bargaining agreement or employment agreement shall apply pursuant to Massachusetts General Laws, as amended from time to time.*

*All remaining provisions of the Bylaw shall remain effective.*

*Where the work of employees paid by the Town of Chilmark is supervised by persons, Boards, Committees or Commissions that are not subject to this Bylaw, the provisions of the Bylaw and accompanying Human Resources Procedures Manual (HRPM) remain applicable to those employees.*

*Under authority granted in the General Laws of the Commonwealth of Massachusetts, non-elected paid Chilmark employees, unless otherwise stipulated in their appointment letters, are subject to annual reappointment by the Board of Selectmen. In exercising this authority, the Board of Selectmen shall be guided by the Purpose of this Bylaw as set forth in Section 1.1 above.*

## **Section 1.2 Application**

The procedures included in this manual, unless otherwise specified, apply to all Town Departments and positions except employees of the School Department and positions either having an employment contract or belonging to a bargaining unit where benefits are or may be included in a collective bargaining agreement. Whether included in this procedure manual or in a separate manual or document, policies issued by the Town's Human Resources Board, Select Board, or other authorized body or position will apply to all town positions, full or part-time, unless otherwise specified. With the permission of the Select Board, a department head may adopt policies that apply to his or her department so long as they are not inconsistent with policies adopted by such Human Resources Board.

### ***BYLAW Section 1.3 Definitions***

*The following definitions shall apply to this Bylaw:*

***Appointing Authority:*** *The Board of Selectmen of Chilmark is the Appointing Authority for all Town Employees unless another Appointing Authority is specified by applicable Massachusetts General Law (MGL).*

***Benefits-eligible Employee:*** *A benefits-eligible employee is a year-round employee whose weekly annual average number of hours worked is equal to or greater than 20 hours in a normal work week.*

***Classification Plan:*** *The Classification Plan, as administered by the Human Resources Board of Chilmark (HRBC), has two components: The first is a uniform system for job classification of all positions as exempt, non-exempt or seasonal. The second component is the job grade classification of all positions to establish proper relationships between positions, based on the level of responsibilities and the minimum qualifications required to perform the job.*

***Compensation Plan:*** *The compensation plan is the regular paid wage schedule that is assigned to a position's grade and step level, administered by the HRBC.*

***Department Head:*** *A Department Head may be an elected official, appointed employee or the Chairman of a Town Board, Committee or Commission who is responsible for supervising a Department's operations or activities.*

***Exempt Employee:*** *An exempt employee is an employee whose position is exempt from the overtime provisions of the Fair Labor Standards Act, as amended from time to time.*

***Full-time Employee:*** *A full-time employee is one who works 40 hours per work week.*

***General Laws:*** *These are the General Laws of the Commonwealth of Massachusetts.*

***BYLAW Section 1.3 Definitions (continued)***

***HRBC:*** This acronym refers to the Human Resources Board of the Town of Chilmark.

***Human Resources Procedure Manual (HRPM):*** The ***Human Resources Procedure Manual***, prepared by the HRBC, defines the procedures for implementing the human resource management functions as set forth in the Town's Human Resources Bylaw. Changes to the Procedures Manual require a majority vote of approval by the HRBC and final approval by the Board of Selectmen.

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***Immediate Family:*** An employee's immediate family includes the employee's spouse, spousal equivalent, children, stepchildren, grandchildren, parents, parents of spouse, siblings, and those others for whom recognized legal responsibility exists.

***Initial Evaluation Period:*** The initial evaluation period shall be the first six (6) months of employment for all new Year-round Employees or existing Year-round Employees who assume a position within a different Department or with a job description with duties that are different from the old position.

Notwithstanding the foregoing, police officers are subject to a one-year "probationary period" pursuant to MGL Chapter 41, Section 133, which includes the following:

(a) The initial appointment shall be for a period of one year during which a person shall actually perform the duties of such position on a full-time basis. The initial appointment shall be a probationary period during which police officers shall be deemed employees at will whose removal or dismissal shall be without recourse at any time during such initial appointment.

The probationary period for a police officer starts upon commencement of full-time year-round work following successful graduation from a recruit academy unless a waiver for such attendance based on equivalent academy and police work in another state or jurisdiction has been secured from the state.

***Non-exempt Employee:*** A non-exempt employee is one whose position is subject to the overtime provisions of the Fair Labor Standards Act, as amended from time to time.

***Personal Pay Rate:*** A personal pay rate of pay that is a pay rate above the maximum rate for the job as set forth in the Compensation Plan.

***BYLAW Section 1.3 Definitions (continued)***

***Project Employee:*** A project employee is an employee who is hired to work on a specific project for a limited period of time that shall not exceed Twelve (12) consecutive months. A Project Employee is not subject to or have the benefits of the Bylaw, except for those provisions relating to the Classification and Compensation Plans promulgated by the HRBC. A Project Employee may be considered for re-hiring, but a project employee who wishes to return is not guaranteed a position of employment the following year or term.

***Seasonal Employee:*** An employee who works for a limited period of time related to a particular season, as listed in the HRPM is a seasonal employee. While Seasonal Employees are subject to and are the beneficiaries of the General Laws of Massachusetts, they are not subject to the overtime provisions of the Fair Labor Standards Act, nor are they subject to, or nor do they have the benefits of this Bylaw, except for those provisions relating to the Classification and Compensation Plans promulgated by the HRBC for Seasonal Employees. Seasonal Employees may be considered for re-hiring but seasonal employees who wish to return are not guaranteed a position of employment the following season.

***Supervisor:*** As specified in each job description, a Supervisor may be the Board of Selectmen, an employee, a Town Board, a Committee, or a Commission Chairman who directs the activities of another employee or group of employees.

***Temporary Employee:*** A Temporary Employee is an employee who is hired on an interim basis to fill a position which is vacant temporarily or an employee who is hired for emergency purposes usually for a period of 30 days or fewer, but may be extended one additional 30-day period with the prior approval of the Appointing Authority.

***Town:*** This refers to the Town of Chilmark, Massachusetts.

***Year-round Employee:*** An employee who has successfully completed the Initial Evaluation Period, is then considered a Year-round employee

***BYLAW 1.4 Human Resources Board of Chilmark (HRBC)***

*The HRBC shall consist of five voting members of the Town appointed by the Board of Selectmen for staggered terms of three years each. The HRBC shall serve without compensation.*

*No person employed by the Town shall be eligible to serve on the HRBC. However, there shall be an employee of the Town who is selected annually by the employees to represent them on the HRBC as a non-voting member. This employee shall bring issues to the HRBC that are of concern to all Town employees and shall report back to the employees as needed.*

#### ***1.4 Human Resources Board of Chilmark (HRBC) (continued)***

*The powers and duties of the HRBC shall include:*

- *F formulating policies, procedures and regulations as necessary to ensure proper human resource administration;*
- *I interpreting the Human Resources Bylaw and serving, advising and assisting the Board of Selectmen on its implementation;*
- *D developing and maintaining a Classification Plan and a Compensation Plan;*
- *D developing and maintaining job descriptions for positions included in the Classification and Compensation Plans;*
- *P periodically reviewing the wage rates of all positions subject to the Compensation Plan;*
- *A administering the Classification and Compensation Plans, including the placement of positions within the Classification and Compensation Plans, and recommending initial compensation, where appropriate, at step levels higher than the entry level of step 1, and making other decisions necessary for the proper management of the Classification and Compensation Plans. The HRBC may recommend a change in classification for a Year-round Employee to the Appointing Authority after receiving a request from the supervisor.*
- *Keeping informed of trends in compensation, human resource procedures, State and Federal employment laws and recommending to the Town any action deemed necessary;*
- *Advising and assisting Town Boards, Committees, Commissions and Department Heads on matters of human resources administration, as needed;*
- *Determining which human resource records are to be maintained and providing the procedures for their administration and access;*
- *Conducting grievance hearings, as necessary;*
- *Participating as an observer in human resource matters, as requested;*
- *Encouraging and, where practicable, requiring training programs for employees.*

***BYLAW SECTION 1.5 Human Resource Records***

*The HRBC shall be responsible for the preparation and maintenance of job descriptions for all positions including the determination of a position's exempt or non-exempt status.*

*The HRBC shall be responsible for the confidential maintenance of all human resources records and files as set forth in the HRPM. An employee is entitled to examine the contents of his or her individual human resource file(s) at a pre-arranged time and with the custodian of the files present.*

**Section 1.5 Human Resource Records**

In coordination with the Town Administrator, the Human Resources Board of Chilmark (HRBC) shall ensure records will be maintained relating to each employee's tenure of service, including but not limited to accepted offers of appointment, performance evaluations, letters of commendation received, training and certifications, and disciplinary.

Any record containing personal medical information shall be retained in a separate confidential file, access to which shall be limited to those individuals who have a legitimate need for the information. Depending on the type of work and the type of illness or condition, such information may be disclosed to an employee's supervisor and department head. No confidential information shall be released or disclosed to any third party without written authorization from the employee or pursuant to appropriate legal process.

Each Department Head shall work with the Town Accountant and Treasurer to maintain accurate attendance records for its employees at the Town Office, unless otherwise authorized by the Human Resources Board of Chilmark (HRBC). These records will include, as appropriate, the following: hours of regular pay; hours of overtime pay; hours of stand-by duty (on call), hours and type of paid leave, available and taken; and hours and type of authorized unpaid leave taken. The records will be submitted to the Town Administrator, signed as necessary, with each payroll.