

## TOWN OF WELLFLEET PERSONNEL BYLAW

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## Section 1 – Purposes and Authorization

The purpose of the Town of Wellfleet Personnel Bylaw is to establish a fair system of personnel management that ensures uniform and efficient administration of personnel policies for Town employees. The role of the Personnel Board, in part, shall be to review and consider changes and amendments to the Personnel Bylaw as may be necessary and/or appropriate from time to time. Any such Personnel Board recommendations shall be made by the Personnel Board to the Town Meeting. The Personnel Board, in conjunction with the Town Administrator, shall, additionally, periodically review and consider changes to the Employee Personnel Manual.

This Personnel Bylaw is adopted pursuant to the authority granted by the G. L. c. 41, §108A and 108C.

This Personnel Bylaw shall supersede in their entirety Personnel Bylaw 1 and Personnel Bylaw 2 and any amendments and agreements directly related to the aforementioned Personnel Bylaws.

## Section 2 – Application

All Town Departments and employee positions shall be subject to the provisions of this Personnel Bylaw except for elected officers and officials and employees of the School Department and except as otherwise provided by the Town Charter or Massachusetts laws. To the extent that any Town employee may be a union member and/or is subject to a collective bargaining agreement or written personal employment contract, in the event of a conflict between said agreement or contract and this Bylaw then said agreement or contract shall govern the terms and conditions of that employee's work.

## Section 3 – Personnel System

The Personnel Board shall be responsible for the establishment and maintenance of a personnel system, classification plan, an annual job evaluation procedure and compensation plan, the administration of a grievance and disciplinary process, and the development of personnel policies pursuant to Section 5 of this Bylaw.

- (a) Methods of Administration – The Personnel Board, in conjunction with the Town Administrator or his designee, shall establish a system of administration which assigns specific responsibility for all elements of the personnel system, including, but not necessarily limited to: employee record keeping housed in the office of the Town Administrator; uniform recruitment, selection and hiring practices; maintaining the classification and compensation plans; monitoring the application of personnel policies, job evaluation procedures and periodic reviews; and evaluating the personnel system.
- (b) Classification Plan – A position Classification Plan for all Town employees subject to this Bylaw shall be established, based upon similarity of duties performed and responsibilities undertaken so that the same qualifications may be reasonably required for and the same schedule of pay may be applied to all positions in the same class. No Town employee may be appointed to a position not contained within the Classification Plan. Pursuant to the Town of Wellfleet Charter Chapter 5, Section 5-6-1, “The creation of any new position shall require the approval of the Personnel Board.”

- (c) Compensation Plan – A Compensation Plan for all positions subject to the Bylaw shall consist of a schedule of pay grades with any applicable rates and an official Town list detailing the assignment of each Town position to a specific pay grade. In its annual report to Town Meeting, the Personnel Board, with the assistance of the Finance Committee and the Town Administrator or his designee, shall summarize the Compensation Plan and attempt to detail the total annual costs to the Town for the services of its employees including, but not necessarily limited to, salary, benefits, and any projected but then unfunded costs as may be allocated on an annual basis and accrue to the taxpayers.
- (d) Uniform Recruitment, Selection and Hiring Practices – The Personnel Board, in conjunction with the Town Administrator or his designee, shall attempt to create uniform policies and practices for the recruitment, selection and hiring of Town Employees, including the use of standard written hiring agreements as deemed applicable. Such standard written hiring agreements shall not affect the status of the employee as an employee at will unless specifically stated therein.
- (e) Personnel Policies – Personnel policies shall be established and distributed to all Town employees in the form of an Employee Personnel Manual which shall detail certain of the terms and conditions of employment. Every Town employee will sign a form acknowledging receipt thereof, and agreement thereto.
- (f) Performance Evaluations – The Town has the right to evaluate an employee's performance at any time, and where practicable, the evaluation should be done at least annually at the time of or as close as practicable to his or her anniversary of employment. In the event that an employee has had an evaluation at the end of his or her probationary period, then all subsequent evaluations should occur annually thereafter. At the time of the evaluation, the job description shall be updated as agreed upon by the supervisor and the Town Administrator who shall provide the employee with an opportunity to provide input. All new employees, who shall include employees promoted to a new position, shall be on probation for a period determined by the Town Administrator which period shall not exceed one year. The Personnel Board, in conjunction with the Town Administrator or his designee, shall develop, monitor and periodically review a job evaluation process. Copies of all evaluations shall be kept in each employee's personnel file.
- (g) Disciplinary and Grievance Process – With the advice and consent of the Town Administrator, a disciplinary policy shall be established including, but not necessarily limited to, a method of addressing grievances arising from a claim of improper application of this Bylaw, personnel policies, the Employee Personnel Manual, or the disciplinary process. This list is not meant to be exhaustive. The grievance process cannot be used to infringe upon or supersede an Appointing Authority's authority to hire, discipline, and/or terminate an employee as provided in the Town Charter or other applicable Massachusetts laws.
- (h) Personnel Records – A centralized record keeping system to maintain essential employee records and protect confidential employment information shall be established, maintained and periodically monitored. All such records shall be kept by the Town Administrator or his designee. The Personnel Board shall develop a procedure and check list for who may be authorized and how such records may be accessed.
- (i) Other Elements – Any such other elements of a personnel system as may be deemed necessary, advisable or required by law may be established.

The Personnel Board shall maintain in writing the Classification Plan and the Compensation Plan described above. Neither of these Plans shall apply to those Town employees subject to a collective bargaining agreement or those Town employees with a written personal employment contract. The Personnel Board shall review annually each of the two Plans described in sections 3(b) and 3(c) hereof, and prepare a written summary to be presented to Town Meeting.

#### Section 4 – Amendment of Bylaws

The Personnel Board shall annually review the existing Personnel Bylaws and propose to Town Meeting such changes and amendments as it deems advisable in accordance with the General Law, the Town Charter and Bylaws. Such changes and amendments are subject to adoption by Town Meeting.

#### Section 5 – Adoption and Amendment of Personnel Policies

The Personnel Board, in conjunction with the Town Administrator or his designee, shall promulgate personnel policies in the form of an Employee Personnel Manual, which defines the rights, benefits and obligations of all Town Employees subject to this Bylaw. Further policies shall be adopted or amended as follows:

- (a) Preparation of Policies – The Personnel Board, in conjunction with the Town Administrator or his designee, shall prepare employment policies or amendments to such policies. Any person may propose a new employment policy or amendments to an existing employment policy. No proposal which has been considered in the previous twelve (12) months needs to be considered again. The Personnel Board shall be responsible for determining if a proposal is new or falls outside of the twelve (12) month time limit. Any proposal must be submitted in writing to the Personnel Board by delivering seven (7) copies thereof to the office of the Town Administrator. The written proposal must contain the substance of the proposal as well as a statement describing the rationale for its acceptance. The Personnel Board shall schedule and hold a public hearing on all proposals in March annually, or if action is required sooner, at any time after public notice. Copies of all proposals to be considered by the Personnel Board shall be made available to the representatives of each employee collective bargaining unit and on the Town website.
- (b) Public Hearing – The Personnel Board and the Town Administrator or his designee shall present the proposed policies or amendments at a Public Hearing held after the Town employee work day concludes. Any person may attend the hearing, speak to or against the proposals or amendments and present information related thereto. Within twenty (20) days after the public hearing, the Personnel Board shall state its decision and the effective date of any newly adopted proposals and/or amendments.
- (c) Posting of New Policies and Amendments – The Personnel Board and the Town Administrator or his designee shall post the text of any newly adopted or amended policy in prominent Town employee work locations and on the Town website. Efforts will be made to distribute copies individually to all Town employees.
- (d) Computation of Time – In computing the time period in days under the Bylaw only business days shall be counted.

#### Section 6 – Severability

The provisions of the Bylaw and any policies and regulations adopted pursuant to the Bylaw are severable. If any portion of the Bylaw, personnel policies, Employee Personnel Manual, or regulations is found to be invalid, the remaining provisions of the Bylaw, personnel policies, Employee Personnel Manual and regulations shall remain in full force and effect.

#### Section 7 – Effective Date

The Bylaw shall take effect as provided by Massachusetts law.

#### Section 8 – 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 all such matters upon their request, or as the Personnel Board deems necessary and/or advisable.

#### **ATTESTATION**

I hereby certify that the foregoing by-laws were amended under Article 30 at the Annual Town Meeting held on April 22, 2013.

A TRUE RECORD ATTEST:

A handwritten signature in black ink, appearing to read "J. F. Powers", is written over a horizontal line.

Joseph F. Powers, MMC/CMMC  
Town Clerk

Dated: March 22, 2016