

CHAPTER 48 – PERSONNEL

ARTICLE I. Personnel Board

§ 48-1. Membership; terms of office.

There is hereby established a Personnel Board consisting of three members to be appointed by the Board of Selectmen, and each member shall serve for a term of three years; provided, however, that of the members originally appointed, one shall serve for a term of one year, one for a term of two years and one for a term of three years as designated by the Selectmen. No person shall serve upon said Board who is, at the same time, an employee of the Town or who holds an elective Town office or who is a member of any other permanent Town committee, board or commission; provided, however, that this restriction shall not prevent one member of the Personnel Board from serving concurrently on the Finance Committee or an adhoc committee of the Town established by the Selectmen or otherwise.

§ 48-2. Powers and duties.

The Personnel Board shall have the following powers:

- A. To prepare and maintain, with the assistance of the Human Resources Director, the wage and salary classification schedule which is voted by the Town in accordance with the provisions of MGL C. 41, §§ 108A and 108C.
- B. To establish, revise as necessary and administer a grievance procedure wherein an aggrieved employee may seek administrative relief at a level above his/her department head and the Town Manager.
- C. To have access to such facts, figures, records and other information relating to the personnel of Town departments as will enable it to fully perform its duties.
- D. To assist the Town Manager and Board of Selectmen, upon their request, in the issuance, amendment or revocation of administrative orders for the purpose of giving effect to the provisions of all bylaws and votes of the Town pertaining to personnel administration as said Town Manager and Board of Selectmen may be responsible for administering and/or enforcing. Each such order shall be numbered in sequence and shall be maintained in the Town Clerk's Office in a file for all such orders issued, said file to be open to public inspection.
- E. To act as an advisory board to the Human Resources Director, Town Manager and Board of Selectmen in the management of human resources for the Town of Groton.
- F. In the event of a vacancy in the position of Human Resources Director, to assist the Town Manager in the function of that role.
- G. At the request of the Town Manager or Board of Selectmen, to designate a Personnel Board member to sit on the screening committee formed to fill one or more Town positions.
- H. To perform any other duties as assigned by the Board of Selectmen consistent with the provisions of Chapter 81 of the Acts of 2008 (the "Town Charter"), as it may be amended.

§ 48-3. Human Resources Director.

The person appointed to this position shall:

- A. Manage the daily operations of the Human Resources Department, consistent with the job description for this position.

- B. Work in an advisory capacity with Department Heads and the Town Manager in the administration of the Grievance Procedure, advise Department Heads and the Town Manager in resolving conflicts at their respective steps in the process.
- C. Have access to such facts, figures, records and other information relating to the personnel of Town Departments as will enable him/her to fully perform his/her duties.

§ 48-4. Severability.

The provisions of this bylaw are hereby declared to be severable, and if any such provision or the application of any such provision to any person or circumstances shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not be construed to affect the validity, legality or constitutionality of any of the remaining provisions or the application of said bylaw to persons or circumstances other than those to which it is held invalid, illegal or unconstitutional.

§ 48-5. Construal of provisions.

Nothing in this bylaw shall be construed to conflict with Chapter 31 of the Massachusetts General Laws.

ARTICLE II. Personnel Policies

§ 48-6. Establishment.

- A. This bylaw authorizes a personnel administration plan for Town employees, hereinafter called the "plan," which classifies the several positions of Town service into groups, establishes salary schedules, establishes vacation entitlement, granting of holidays, sick leave entitlement, other leave pay, a system of personnel records and an employee grievance procedure in accordance with the authority vested in the Personnel Board, the Town Manager and the Board of Selectmen. The plan shall include all Administrative Orders set forth herein.
- B. The Town Manager, pursuant to Section 4-2 of the Town Charter, shall administer this plan and shall determine all questions arising thereunder, with assistance from the Human Resource Director and the Personnel Board. Any increase in wages or salaries under the plan shall be effective only if approved by the Finance Committee and the Board of Selectmen, and funds are available for the purpose, provided that nothing in this subsection shall be construed as authorizing the implementation of any contract, or part thereof, negotiated with a labor union prior to the approval of an appropriation for the contract by vote of Town Meeting.

§ 48-7 Administrative Order 1: Employee Classification.

As applied in this bylaw, the following words and phrases define employee classifications:

- a. Full-time Employee: an employee who is scheduled to work forty (40) hours per week.
- b. Benefit Eligible Employee: an employee who is scheduled to work at least twenty (20) but no more than forty (40) hours per week.
- c. Part-time Employee: an employee who is scheduled to work less than twenty (20) hours per week. Such employees are not eligible for benefits, including but not limited to vacation leave, sick leave, and health insurance coverage under G.L. c. 32B.
- d. Intermittent Employee: an employee who works any shift or a portion of a shift as needed. Such employees are not eligible for benefits, including but not limited to vacation leave, sick leave, and health insurance coverage under G.L. c. 32B.
- e. Seasonal/Temporary Employee: an employee who is hired for a limited duration of time, not to extend beyond six months. Such employees are not eligible for benefits, including but not limited to vacation leave, sick leave, and health insurance coverage under G.L. c. 32B.

- f. Exempt Employee: an administrative, executive or professional employee as defined by the federal Fair Labor Standards Act (FLSA). Such an employee is typically paid on a salary basis.
- g. Non-exempt Employee: an employee who is paid for the hours worked each week, and entitled under the FLSA to overtime for hours actually worked in excess of forty (40) hours per week. These employees are typically paid on an hourly basis.

§ 48-8. Administrative Order No. 2: Vacation entitlement.

A. Each Benefit Eligible Employee of the Town, subject to length of service requirements listed below, shall be granted an annual vacation with pay.

(1) Scheduling of vacation leave shall be at the discretion of the Department Head, in a manner that will assure that the work requirements of the department are met. Whenever possible, vacation requests of one week or more shall be submitted at least three weeks in advance. Reasonable consideration shall be given to the desires of each employee as to the period scheduled.

(2) Vacation pay shall be computed on the basis of 40 hours' straight time pay for each week, or portion of week, granted. Vacation entitlement shall be prorated to coincide with the employees number of standard hours per week. The total of an employee's vacation hours and worked hours in any week shall not exceed the employee's standard hours. Temporary changes of less than 90 days to scheduled hours will not impact accruals.

(3) Vacation may be taken in increments of one hour. Vacation time may not be used to alter an employee's schedule on a regular or recurring basis.

(4) Part-time, intermittent and seasonal/temporary employees shall not be entitled to vacation with pay.

B. Length of service requirements.

(1) Accruals and maximum accumulations:

	Per Month (hours)	Annually	Maximum Accumulation
Through 5 years of continuous service	6 2/3	10 days or 2 weeks	20 days or 4 weeks
Beginning the 6th year of continuous service through the 10th year of continuous service	10	15 days or 3 weeks	30 days or 6 weeks
Beginning the 11th year of continuous service through the 15th year of continuous service	13 1/3	20 days or 4 weeks	30 days or 6 weeks
Beginning the 16th year of continuous service and thereafter	16 2/3	25 days or 5 weeks	30 days or 6 weeks

(2) "Continuous service" is defined as an uninterrupted period of Town employment on a regular basis. An employee transferring from one department to another without a break in service shall receive credit for vacation purposes for his/her total time of permanent Town employment.

- C. Upon termination of employment, employees shall be paid for any earned but unused vacation time.

§ 48-9. Administrative Order No. 3: Holidays.

- A. Each Benefit Eligible Employee of the Town shall be entitled to holidays with pay in accordance with the following schedule and administrative procedures:

- (1) A Benefit Eligible Employee is one as defined in Subsection b of Administrative Order No. 1.

- (2) Holidays to be granted are as follows:

New Year's Day

Presidents' Day

Memorial Day

Labor Day

Veterans' Day

Christmas Day

Martin Luther King Jr. Day

Patriots' Day

Independence Day

Columbus Day

Thanksgiving Day

- (3) Should a holiday fall on Saturday, the preceding Friday will be the recognized holiday. Should the holiday fall on Sunday, the following Monday will be the recognized holiday.

- (4) Holiday pay shall be computed on the basis of 40 hours' straight-time pay. Holiday entitlement shall be prorated to coincide with the number of standard hours worked each week.

- (5) Benefit Eligible Employees required to work on recognized holidays will be paid the holiday pay to which they are entitled plus the regular rate for hours worked. If a holiday falls on an employee's regularly scheduled day off, the employee shall be granted compensatory hours off equal to the employee's standard holiday entitlement, to be scheduled at the supervisor's reasonable discretion.

- (6) Part-time, intermittent and seasonal/temporary employees shall not be entitled to holiday pay.

§ 48-10. Administrative Order No. 4: Sick leave.

- A. A Benefit Eligible Employee of the Town shall be entitled to sick leave with pay in accordance with the following schedule and administrative procedures:

- (1) Sick leave is intended to be used to protect an employee's earnings during periods of non-job-related sickness or injury, exposure to contagious disease, when an employee is to undergo medical, optical or dental procedures or of non-job-connected disability, or, at the discretion of the

Department Head, Human Resources Director or Town Manager, for care of an immediate family member (defined as spouse, child, parent, sibling, grandparent or grandchild, in a natural or step relationship or any other relationship between an employee and another person which is characterized by mutual responsibility and support generally associated with familial relationships). An employee shall notify his/her office or Department Head, or, if there is no other department employee, the Town Manager's Office, before the start of the workday of his/her intended absence. An employee shall notify his/her Department Head, or shall indicate to his/her supervisor that he/she wishes to access an alternate method of disclosure, including HIPAA (Health Insurance Portability and Accountability Act) officer, as early as possible, before the start of the workday of his/her illness, stating the nature of the sickness or injury, the time expected to be incapacitated and when he/she expects to return to work. Failure to notify the Department Head or Town Manager's Office before the starting time, except in unforeseen circumstances, may result in the employee being charged with leave without pay as well as subject to disciplinary action.

(2) Subject to applicable law, the Town may require an independent medical evaluation paid for by the Town where there is a reasonable belief that: 1) an individual's work performance may be affected by a medical condition; 2) an individual is suspected of abusing sick leave.

(3) Every employee must obtain a doctor's certificate for sick leave in excess of five (5) working days in order to receive payment. In addition, if the Town identifies what appears to be a pattern of inappropriate sick leave use, the Town may require an employee to provide a doctor's certificate for each future use of sick leave during the following twelve (12) months, provided the Town first issues a written warning to the employee notifying him/her that if any sick leave is taken during the following twelve (12) months, the Town may require a doctor's certificate.

(4) Abuse of sick leave is subject to disciplinary measures up to and including dismissal.

(5) Sick leave shall be earned at the rate of one (1) day per month subject to pro-ration to a maximum of 1040 hours.

(6) Sick leave must be taken on a thirty (30) minute basis. Sick leave shall not be used to alter an employee's schedule on a regular or recurring basis, except in medically appropriate circumstances, such as chronic conditions which necessitate regular medical treatment. This usage would be similar to the allowance for intermittent leave under FMLA (the Family Medical Leave Act) guidelines.

(7) This Order shall apply to all Town employees subject to this bylaw.

§ 48-11. Administrative Order No. 5: Personnel records.

There shall be maintained in the office of the Human Resources Director an individual file for each employee of the Town, subject to State and Federal Laws.

§ 48-12. Administrative Order No. 6: Grievance procedure.

A. A "grievance/complaint" is defined as a request by an individual or group of individuals for personal relief in any matter of concern or dissatisfaction which is subject to the control of Town management. The grievance/complaint procedure is subject to the provisions of the By-Law or Federal and State statutes. This section shall not apply to grievances or complaints that are otherwise governed by any applicable collective bargaining agreement.

Procedure for seeking redress is as follows:

Step 1:

Any grievance will first be presented to the immediate supervisor, within the time frame set forth in paragraph B., below. That supervisor will make whatever investigation he/she deems necessary to clarify the matter in question and to resolve the problem or misunderstanding if possible. The Department Head or Board member should notify the Human Resources Director of the grievance and the steps the Department Head is taking to address the grievance. The Human Resources Director shall advise the Department Head or Board on how best to resolve the grievance. The Department Head/Board member's decision will be made as soon as practicable after full discussion by the parties concerned but not later than five (5) business days from the date of the presentation of the grievance. Every attempt should be made by both parties to resolve the grievance at this step.

Step 2: Formal Procedure.

If the grievant is dissatisfied with the decision at step 1, he/she may take up the matter in writing with the Town Manager within five (5) business days of the decision. Within 14 business days after receipt of the written grievance, the Town Manager will meet with the grievant and/or grievant's immediate supervisor. An investigation or inquiry into the grievance by the Town Manager, including discussion with principal parties concerned, may take place. The Town Manager will render a decision in writing within 30 calendar days from the date of the meeting with the grievant and/or grievant's immediate supervisor, a copy of which will be provided to the grievant.

The Town Manager shall keep a separate record of his/her proceedings which shall not be open to public inspection, except as may otherwise be required by law.

Step 3:

If the grievant is dissatisfied with the decision at Step 2, he/she may, within five (5) business days of the Town Manager's decision, appeal the decision and bring the grievance to the Personnel Board.

The Personnel Board will make or cause to be made an investigation or inquiry into the grievance, including discussion with principal parties concerned. The Personnel Board's decision will be rendered in writing within 45 calendar days from receipt of the appeal, a copy of which shall be provided to the grievant.

The Personnel Board shall keep a separate record of its proceedings which shall not be open to public inspection, except as may otherwise be required by law.

When a grievance or dispute has been presented to the Personnel Board for decision, it shall be mandatory that all participants involved appear simultaneously on the date and time set for such hearing as may be ordered.

Step 4:

If a grievant is dissatisfied with the Personnel Board's decision at Step 3, the grievant may appeal that decision to the Board of Selectmen. The appeal shall be in writing and submitted within five (5) business days after the date on which the grievant received the Step 3 decision. A decision will be issued to the grievant in writing by the Board of Selectmen within 20 business days from the receipt of the appeal.

B. Any grievance which is not taken up by the grievant with the appropriate supervisor at Step 1 within 15 calendar days after the last occurrence of the action or event out of which the grievance arose shall not be presented or considered at a later date.

C. All time limits provided for herein may be extended by mutual agreement. Failure of the Town to observe the time limits with respect to any step in the grievance procedure shall entitle the grievant to advance the grievance to the next step. Failure of the grievant to observe the time limits provided shall constitute withdrawal of the grievance.

D. Any grievance that has not been processed through the informal step (Step 1) may not be processed through any formal step(s). Any grievance not processed through Step 3 may not be processed to the Board of Selectmen.

E. Unless mutually agreed otherwise, identical grievances to which this order applies will be processed under the procedures of the order by having one grievance processed, the result of which will be binding on the other grievance(s). Identical grievances herein referred to are those where the dissatisfaction expressed and relief requested are the same.

§ 48-13. Administrative Order No. 7: Classification and Wage/Salary Schedule.

A. The following regulations shall govern the administration of the classification and wage/salary schedule.

(1) New personnel.

(a) A new employee will be hired consistent with the Wage and Salary Classification Schedule subject to appropriation and consistent with the Town Charter, as it may be amended.

(b) The first six months of employment will be a probationary period during which time an employee may be discharged without recourse for poor potential or performance.

(2) Reclassification of employees. No employee will be reclassified from one position to another without prior approval of the Town Manager as to the consistency of the action with the provisions of this order.

(3) In-grade advancement.

(a) Subject to the approval of the appropriate Department Head and the Town Manager, every employee subject to the plan who has been in continuous employment of the Town for at least six months prior to the start of the Fiscal Year (July 1), and who has a satisfactory performance record, shall be eligible for advancement to the next higher step until the maximum for the job is reached.

(b) Any employee denied such an increase has the right of appeal to the Personnel Board, which shall confer with both the employee and the Department Head and shall decide the matter.

(c) Intermittent and seasonal/temporary employees or other employees for whose position there is a single rate or stipend, shall not be eligible for step rate increases.

(4) Overtime/Compensatory Time

(a) Non-exempt paid employees shall be paid overtime at a rate of one and one half times the employee's regular rate of pay for all hours actually worked beyond forty (40) hours per week. All overtime must be pre-approved by the Town Manager. An employee may opt for compensatory time in lieu of overtime, and may accrue such compensatory time up to the limits permitted under the Fair Labor Standards Act. Such compensatory time is subject to the same approval afforded for paid overtime. Compensatory time would be earned at a rate of 1 ½ hours per hour worked over forty per week.

(5) Position titles, descriptions and employment agreements.

(a) No person shall be appointed, employed or paid as an employee in any position subject to the provisions of the personnel administration plan under any title other than those of the classification and wage/salary schedule or under any title other than that of the job the duties of which are actually performed. The job title in the classification and wage/salary schedule shall be the official title for all purposes having to do with the position and shall be used to designate the position in all payrolls, budget estimates and official reports and in every other connection involving personnel and fiscal processes.

(b) Job descriptions shall be developed by the Department Head in conjunction with the Human Resources Director and approved by the Town Manager and Board of Selectmen. Job descriptions shall be maintained by the Town Manager and Human Resources Director for each position subject to the provisions of the personnel administration plan. All changes to any of these job descriptions must be reviewed by the Human Resources Director and must be approved by the Town Manager and Board of Selectmen.

(c) No employment agreement shall be entered into by the Town with employees subject to the personnel administration plan without prior approval of the Town Manager and Board of Selectmen.

(6) Implementation. No employee shall suffer a loss of pay by adoption of the schedule in Subsection B below. The employee's position in the rate range will be that which most nearly matches his/her current wage or salary. Should the employee's wage or salary be in excess of the step in which placed, the employee will retain the wage or salary until progressing to the next step.

B. An employee will remain on each step of the schedule for the length of time indicated below before maximum wage or salary is attained:

Step Number	Length of Time
1	From date hired until July 1 of next fiscal year, subject to the limitations in paragraph 3(a) above.
2	1 year
3	1 year
4	2 years
5	2 years
6	2 years
7	2 years
8	—

C. The reclassification of a job may be requested by the Department Head or the respective governing board at any time there is a significant change in the duties and/or responsibilities for that job. A vacant position may not be advertised at a grade level other than the grade level currently approved.

- D. Each Benefit Eligible Employee of the Town, subject to length of service requirements listed below, shall receive a longevity payment annually.
- (1) Longevity pay shall be paid in the pay period following the employee's anniversary date. Longevity pay shall be prorated to coincide with the number of standard hours worked each week. Employees who terminate employment prior to the anniversary date of hire will not receive longevity pay.
 - (2) Intermittent and seasonal/temporary employees shall not be entitled to longevity pay.
 - (3) Length of service requirements.

Length of Service	Amount
Beginning the 11th year through the 15th year	\$250
16th year through the 20th	\$500
21st year and thereafter	\$1,000

§ 48-14. Administrative Order No. 8: Leave of absence.

The Town of Groton shall allow employees to take a leave of absence in the following circumstances and conditions.

Section 1. Military Leave. The Town of Groton shall follow the Uniform Services and Reemployment Rights Act of 2004 or any subsequent revision(s) for employees in the Armed Forces, the Reserves, or the National Guard who are eligible for Military Leave. Employees are required to provide the Human Resources Director, Town Manager and their Department Head with as much advance notice of military service as soon as possible, unless military necessity prevents the giving of notice.

Section 2. Family Medical Leave Act. Up to twelve (12) weeks of leave may be granted to eligible employees in accordance with the Family Medical Leave Act of 1993 (FMLA), and any subsequent revision(s). Any accumulated sick time must be exhausted before using vacation or personal time. Medical leave is subject to the Town's FMLA policy. Information shall be available from the Human Resources Director.

Section 3. Leave of Absence. Any employee may apply for a leave of absence without pay. The application must be approved by both the Department Head and Town Manager and will be granted only under unusual conditions. If a leave of absence is granted, seniority, sick leave and vacation time will not accrue during this absence. If the employee is covered under the Town's group health insurance, then the employee will continue to pay at the employee rate. Information regarding a leave of absence shall be available from the Human Resources Director.

Section 4. Small Necessities Leave Act. Up to twenty-four (24) hours of leave time per year may be granted to eligible employees for purposes in accordance with the Small Necessities Leave Act. Employees may use personal or vacation time. Information shall be available from the Human Resources Director.

Section 5. Maternity/Paternity Leave. The Massachusetts Maternity Leave Act allows eligible employees to take up to eight (8) weeks maternity/paternity leave, concurrent with other applicable leave time or without pay. The employee may use accumulated sick, vacation or personal leave. Maternity/paternity leave is subject to the Town's Massachusetts Maternity Leave Act policy. Information shall be available from the Human Resources Director.

Section 6. Bereavement Leave. Each Benefit Eligible Employee shall be granted leave without loss of pay in the event of a death in his/her immediate family. Such leave shall be up to three (3) scheduled work days with the approval of the Department Head. For purposes of this section, the term "immediate family" shall mean and include the following: grandfather, grandmother, father, mother, husband, wife, brother, sister, son, daughter, grandson, granddaughter, in a natural, in-law or step relationship or any other relationship between an employee and another person that is characterized by mutual responsibility and support generally associated with familial relationships. This leave shall not be charged against other accrued time.

Section 7. Jury Duty. Permanent full time and part time employees who are called for jury duty and respond are eligible for jury leave. Jury duty leave benefits are effective immediately upon employment. An employee on jury duty shall be paid the difference (if any) between the compensation he or she would have received and the compensation received from the court (excluding travel allowance). For employees paid on an hourly rate, pay is based on the number of hours normally scheduled on those days. In all cases, the court statement detailing compensation must be presented to the Human Resources Director and Town Accountant in order to receive any additional compensation for which the employee may be eligible. A copy of the statement shall be placed into the employee file maintained by the Human Resources Director.

§ 48-15. Administrative Order No. 9: Personal days.

- A. Each Benefit Eligible Employee of the Town will be entitled to four personal days per fiscal year.
- (1) Personal days will be granted to those employees who work 20 or more hours per week. Personal time shall be computed on the basis of 40 hours' straight-time pay and will be prorated to coincide with the number of standard hours per week.
 - (2) Personal days shall be taken at a time that is mutually agreeable to the employee and supervisor. Personal days must be taken in one-hour increments. Employees will lose personal days not taken within the fiscal year and will not be compensated for personal days not taken. Personal time shall not be used to alter an employee's schedule on a regular or recurring basis.
- B. Upon an employee's termination, personal time will not be paid out.

§ 48-16. Additional benefits.

The Police Lieutenant and Police Captain shall be entitled to the following benefits that the Groton Police Patrolmen's Association has under the applicable provisions of its collective bargaining agreement:

- Uniform Allowance
- Mileage Allowance
- Career Incentive
- Indemnification

These positions are exempt management positions. Therefore, under the Fair Labor Standards Act, they are not eligible for overtime pay. The Police Captain and Lieutenant have no rights to negotiate any of the above mentioned benefits during union negotiations.