

CHAPTER XV Personnel By-Law

Section 1. Application of this By-Law

It shall be the policy of the Town of Brookfield to guarantee equal opportunity to all qualified applicants and to all employees with respect to initial appointment, upward mobility, compensation and general working conditions without regard to age, race, color, creed, sex, national origin or physical condition.

This By-Law shall apply to all town employees, excluding school personnel and positions which are filled by popular election, and those which are covered by separate agreements between any association of employees and the town, developed through collective bargaining. All provisions of this by-law shall be applicable insofar as any collective bargaining agreement may refer to this by-law and to the extent applicable by statute or in the absence of any other provisions.

Section 2. Mandatory Classification

No person shall be appointed, employed or paid as a town employee in any position other than those listed below:

GRADES FOR POSITIONS

GRADE	General Government
1	Casual Labor
2	Cemetery Caretakers
2	Clerks
2	Custodians
2	Transfer Station Monitors
3	Library Assistants
4	Administrative Assistants
4	Highway Operators
4	Senior Library Assistants
4	Transfer Station Manager
4	Water Operators
5	Highway Foreman
6	Assessor
6	Grant Writer
6	Town Clerk

6	Town Collector
6	Town Treasurer
6	Town Accountant
6	Library Director
7	Highway Superintendent
7	Town Administrator
7	Water Superintendent
GRADE	Police, Fire and EMS
	Police Chief
P1	Part-time Police
P2	Police Officer
P3	Police Sergeant
	EMS Chief
E1	EMT
E2	Paramedic
	Fire Chief
F1	Firefighter
F2	Fire Lieutenant
F3	Fire Captain

(Amended 6/2008)

(Amended 5/2009) (Amended June 10, 2021) (Amended June 3, 2022)

Section 3. Employee Categories

All positions subject to the provisions of this by-law shall fall into one of the following categories:

- (A) **Full Time:** An employee whose regular and continuous work schedule consists of (20) hours per week. **(Amended June 3, 2022)**
- (B) **Part Time (less than 20):** An employee whose regular and continuous work schedule averages less than twenty (20) hours per week for a fiscal year.
- (C) **Casual:** An employee hired for irregular or occasional employment.
- (D) **Temporary or Seasonal:** An employee hired for a specific period of time (not to exceed 6 months)

NOTE: All employees are paid at an hourly rate unless specified as **salaried**. Salaried employees are compensated at a fixed weekly rate and are not compensated for overtime. These categories will determine an employee's eligibility for benefits as specified by this by-law. Employees may be changed from one category to another category only after review and approval by the department head, the Personnel Board and the Select Board.

Section 4. Allocation and New Positions

The Personnel Board, with the agreement of the department head, shall allocate each position to its appropriate grade. Whenever a new position is established or the duties of an existing position are so changed that, in effect, a new position is created, the Personnel Board, with the approval of the department head, shall allocate the position to the appropriate grade.

The Personnel Board shall give any employee, or any department head affected by the new position or change in grade a reasonable opportunity to be heard.

In no case may a new position or change in grade be considered until the town meeting approves the new position and provides funds for that position.

Section 5. Reclassification and Hiring

In hiring employees, the following procedure shall be used for all full-time and part-time (20-35) positions covered by this by-law.

1. A job description agreed to by both the hiring department head or board chairman and the Personnel Board must be completed prior to the announcement of the job opening.
2. The hiring rate range, per the Grade & Wage Schedule, for the position must be determined by the department head and the Personnel Board prior to the announcement of the job opening.
3. a. The position must be advertised in a locally circulated newspaper one or more times, at least two (2) weeks prior to the application deadline. The advertisement will include the job title and category, full or part-time status, where the applications are available and the deadline for filing applications.

b. The job opening must also be posted at the Town Hall and Post Office.
4. Applicants will not be discriminated against on basis of age, race, religious or sexual preference, gender, national origin, veteran status or physical condition.
5. Records of all interviews must be retained by the hiring department head or board chairman for a period of at least five (5) years after filling the position.
6. Notification of any payroll change must be submitted to the Town Accountant and Town Treasurer prior to issuance of a voucher.
7. All paperwork regarding a new employee must be completed with the Treasurer before any payroll check is issued.

Section 6. Job Descriptions and Interpretations

The Personnel Board shall maintain written job descriptions which shall define job responsibilities and distinguishing features. The Personnel Board may amend such job descriptions from time to time at its discretion. Job descriptions shall be construed solely as a means of identification and not as limiting the duties and responsibilities of any position or as

modifying or in any way affecting the power of any administrative authority to assign duties to, or to direct the work of, any employee under its jurisdiction.

Section 7. Grade & Wage Schedule

The **Grade & Wage Schedule** shall consist of the minimum and maximum to be applied to Grades for the positions in this by-law. All employees covered under this by-law must submit Requests for pay and time on time sheets available from Town Treasurer before pay can be processed. In addition other forms may require.

Section 8. Transfers and Promotions of Employees

An employee receiving a promotion to a vacant position or new position shall receive a rate appropriate to a new step and grade upon reassignment.

Section 9. Pay Rate for New Personnel

For all new employees, the first three months of employment shall be a probationary period. At the end of this period, the employee shall receive a performance evaluation.

The hiring rate shall be the minimum of the rate range for the job for the grade at which the new employee is hired, unless otherwise authorized by the Personnel Board. Department heads shall notify the Personnel Board of the hiring of all new personnel and their hiring rates. The Personnel Board may authorize an entrance rate higher than the minimum rate upon Recommendation of the department head and proof of adequate funding, supported by Evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board.

Transfers and Promotions of Employees

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New Hires – Department Heads

In recognition of the need to attract and retain qualified and experienced personnel, the Select Board may provide, in its discretion and upon recommendation of the Appointing Authority (if different than the Select Board), for benefits that exceed the benefits set forth in this Personnel By-Law for newly hired Department Heads. This discretion is intended to be utilized only in such circumstances where it is determined that the provision of additional or greater benefits is necessary to secure the employment of a particular individual, should be exercised with due consideration of fiscal and budgetary constraints, and is subject to appropriation and any limitations imposed by state law, or take any action relative thereto.

(Adopted February 26, 2019 SPTM)

Section 10. Annual Budget Preparation

Department heads shall anticipate in their annual budgets those wage increases which might occur during the ensuing year, expenditures to be made therefrom only in accordance with this by-law. No increases shall be effective or paid unless sufficient funds are available in the department's budget.

Section 11. Health & Life Insurance

In accordance with Chapter 32B of Mass. General Laws, all employees working a minimum of twenty (20) hours per week and all employees elected by popular vote are eligible for health and life insurance. New employees must meet with the Treasurer to discuss their options during the first week of employment.

Section 12. Holidays with Pay

All full-time employees who are not required to work the holiday shall receive holiday pay at the employee's regular daily rate for the employee's regularly schedule hours for all Massachusetts Legal Holidays as amended from time to time, plus after Thanksgiving. Whenever one of these holidays falls on a Saturday, the holiday will be observed on the preceding Friday. If a holiday falls on a Sunday, the holiday will be observed on the following Monday. In cases where a qualifying employee is required to work on a holiday that falls within his/her normal work week, that employee will be granted, with the approval of the department head, a compensatory day off equal to 1.5 times the hours worked. In accordance with the Fair Labor Standards Act, compensatory time must be taken in the same pay period. If it is not possible for the compensatory day to be taken during that time period, time-and-a-half will be paid for the hours worked in addition to the holiday pay. **(Amended June 3, 2022)**

Section 13. Personal Days with Pay

All full-time employees and shall receive two (2) personal days per year. A personal day is equal to the number of hours an employee would be regularly scheduled to work on the day requested. The employee must request the personal day from his/her supervisor at least 48 hours in advance. Personal days must be used in the year they are granted and pay will not be granted in lieu of unused personal days.

Section 14. Vacations with Pay

Annual vacation with pay will be granted to all full-time employees. Paid vacation time is equal to the number of hours an employee would be regularly scheduled to work during the week or day requested. Following the completion of one year of service, vacations will be calculated on July 1 of each year in the following manner:

More than one year of service	1 week
Two to four years of service	2 weeks
Five to nine years of service	3 weeks
Ten to nineteen years of service	4 weeks
Twenty or more years of service	5 weeks

Vacation days must be used in the year they are granted, or they will be forfeited unless otherwise voted by the Select Board. Pay will not be given in lieu of vacation days. When a holiday falls within an employee's vacation week, the holiday is charged as a holiday and not as a vacation day. **Requests for vacation leave of 5 or more workdays must be approved at least a week in advance by the department head. In cases where more than one employee from a department requests vacation leave, seniority will prevail.** All requests

for vacation time are subject to approval in advance by the department head. *(Amended 11/1998)_(Amended 6/2009)*

Section 15. Leave of Absence

A leave of absence may be granted by the department head and shall be without compensation but without loss of benefits. A **leave of absence** lasting more than three months shall be considered a break in employment and upon return to work, the employee shall have the status of a new employee unless an extension of leave beyond three months has been authorized in advance. Maternity Leave and Family Leave will be granted in accordance with Mass. General Laws Chapter 149, section 105D and appropriate federal laws.

Section 16. Sick Leave with Pay

All full-time employees, following a three-month probationary period, shall be granted three sick days. Thereafter, they shall receive one day per month accumulative to sixty (60) days. Department heads are responsible for maintaining records of sick leave days accumulated and used for all eligible employees in the department.

All paid sick leave must be approved by the employee's department head or the Select Board. Unused sick leave can be accrued from year to year, except that the maximum accrual shall not exceed 60 days. In order for an eligible employee to receive a paid sick day, the employee must notify his/her immediate supervisor as soon as is practical of the illness and of the approximate length of absence required. Whenever possible, the employee should notify his/her immediate supervisor at least one hour before the time set for beginning daily duties. An employee using three or more consecutive days of sick time will be required to submit a physician's statement certifying illness. If an employee needs an extended sick leave for medical reasons, (s) he must present a doctor's statement stating the amount of sick days that will be taken. Any employee claiming illness under false pretenses shall be subject to corrective discipline, including termination. Upon retirement from ten years minimum accumulated employment or death, the employee shall be paid for unused sick time at the rate of \$25.00 per day. *(Amended 5/2002) (Amended June 3, 2022)*

Section 17. Military Leave

Full-time employees who are in the National Guard or Armed Services Reserve and are called to duty not exceeding two weeks shall receive the difference in pay between their regular town pay and their military pay. Such employees may use their normal vacation time for their duty if so desired.

Section 18. Bereavement with Pay

All full-time employees shall be granted the following:

- a. Up to 5 days of leave may be given for the death of an employee's spouse or child
- b. Up to 3 days of leave may be given for the death of an employee's mother, father, mother-in-law, father-in-law, brother, sister or other member of the immediate family living under the same roof.
- c. 1 day of leave will be granted for the death of an employee's grandparent, not living in the same household.

Section 19. Jury Duty with Pay

All full-time and part-time (20-35) employees called for **Jury Duty** shall be paid by the town an amount equal to the difference between the compensation paid the employee for a normal working period and the amount paid by the court excluding any allowance for travel and lodging.

Section 20. Overtime Pay

Overtime Pay shall be based on one and a half times normal pay for time worked beyond forty hours during any week. However, any time off granted by any other section of this by-law shall count towards the forty-hour requirement. **This section does not apply to salaried employees.**

Section 21. Reimbursement for Education & Training Expenses

An employee should be reimbursed for tuition, fees and required materials for education and training only if all of the following conditions are satisfied:

- a. The training or course must be directly related to the knowledge and skills required for the employee's current position except whereby vote of the Select Board, cross training is in the best interest of the town. **(Amended 5/8/2009)**
- b. Adequate funds for reimbursement must have been included and be currently available in the approved departmental budget of the employee.
- c. The employee must provide documentation from the training institution showing satisfactory completion of the course (i.e., passing grade).
- d. Approval must be obtained from the appropriate department head and the Select Board before course registration.

When possible, these courses should be taken during the employee's normal working hours. When courses must be taken outside of normal working hours, travel and class time will be added to the work week and paid in accordance with Section 22. If a non-town vehicle is used for transportation to and from the training institution, the employee will be reimbursed for normal travel expenses.

Section 22. Medical Examination

Medical examinations will be required of all new employees, and anyone being transferred or promoted. These examinations will be performed by a town-approved physician and the cost will be paid by the hiring department.

Section 23. Grievance Procedure

If any employee feels that he/she has not been fairly treated in accordance with this Personnel By-Law, that employee may enter a grievance in writing to his/her immediate supervisor, with copies being provided to the department head, Personnel Board and Select Board.

If the supervisor has not given the employee an acceptable reply within three (3) working days from the receipt of the grievance, the employee may enter a written appeal directly to the Personnel Board and Select Board with copies being provided to the supervisor and the department head.

The Personnel Board and Select Board must hold a hearing with the employee and provide a written response to the employee within fifteen (15) days from the receipt of the appeal. The response of the Personnel Board/Board of Select Board shall be final. This constitutes the final stage of the **Grievance Procedure** available within the town.

Section 24. Personnel Board

The Personnel Board shall consist of five persons, appointed by the Select Board for a three-year term on a staggered basis: one person for one year term; two persons for two-year term; two persons for a three-year term with appointments to be made for three year terms thereafter. Records of all employees are to be kept by the Town Treasurer, under the direction of the Personnel Board. Department heads shall furnish such information when requested by the Board. The Town Treasurer shall also check on matters covered by this by-law and shall bring any deviations to the attention of the Board.

The Personnel Board shall have the authority to review the work of all positions subject to the provisions of this by-law and shall recommend changes in said positions as well as review any recommended adjustments in salaries only to assure that they fall into the appropriate Step of said position. In addition, the Personnel Board shall make an annual report to the town, including recommendations on any matters related to this by-law. (*Amended 1/2000*) (*Amended 5/2009*)

Section 25. Employees and the Personnel Board

All employees shall have the right to request an appointment to confer with the Board on any matter which is of interest or concern to them, and which is covered by this by-law.

Section 26. Elected Officials' Salaries

The Personnel Board, though not responsible for elected officials' salaries, will be available in an advisory capacity, if so requested.