

BYLAWS OF THE TOWN OF GRANBY

VOLUME II

CHAPTER XIX PERSONNEL BYLAW

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BYLAWS OF THE TOWN OF GRANBY

PERSONNEL BYLAW

CHAPTER XIX

SECTION 1 - NAME OF BYLAW AND AUTHORITY

This Bylaw shall be known and cited as "The Personnel Bylaw", and is hereby adopted pursuant to the provisions of the General Laws, Chapter 41, Section 108C.

SECTION 2 - PURPOSE AND COVERAGE

The purpose of this Bylaw is to establish employment procedures, to provide for the maintenance of personnel records, the writing of job descriptions, and the establishment of fringe benefits for all town employees, full- and part-time, with the exception of those employed on a seasonal basis, those employed by the School Committee, or those elected by popular vote.

All persons covered hereby shall receive the rate of pay and be subject to the provisions set forth in this Bylaw as determined to be applicable to them by the Personnel Board hereinafter established. Nothing in this Bylaw shall be construed to be in conflict with Chapter 31 of the General Laws relating to Civil Service, or with Chapter 1078 of the Acts of 1973 relating to Public Employee Collective Bargaining, which shall prevail if there is any conflict.

SECTION 3 - EQUAL OPPORTUNITY

The recruitment, selection, employment, training, and advancement of employees shall be without discrimination because of race, color, age, marital status, religion, national origin, gender, disability or sexual orientation.

SECTION 4 - DEFINITIONS

- A.** "Appointive authority": The appointive authority for positions assigned to elected boards and offices shall be the relevant board or officer. The appointive authority for all other positions shall be the Board of Selectmen.

- B.** "Supervisor": The person, including an appointive authority, who is directly responsible for the job performance of an employee.

- C.** "Full-time employees": Those persons employed, not elected, by the town, who work a minimum of twenty-seven (27) hours per week.

- D.** "Day": When used in the context of benefits or leave, "day" is one fifth (1/5) of the employee's normally scheduled work week.

- E.** "Working hours": After consulting with other elected officials of the town, the Board of Selectmen shall, by administrative order, establish the working hours of all offices. Such hours shall be prominently displayed in the entrance to Kellogg Hall, and in such other places as the Board may determine. All employees of the town are entitled to an unpaid break of thirty (30) minutes duration after five consecutive hours of work.

- F.** "He" or his": The word "he" or "his" is used to denote an employee of the Town and not for purpose of determining gender.

SECTION 5 - THE PERSONNEL BOARD

A. Membership, Vacancies, and Eligibility

A Personnel Board consisting of five members and two associates, shall be appointed for three-year terms by the Personnel Board Appointing Committee consisting of: a member of the Board of Selectmen, chosen by the Selectmen; the Moderator, and a member of the Finance Committee, chosen by the Committee. In the event of the absence of one or more full members, the associate members, according to seniority, shall be part of a quorum and have full voting privileges.

In making appointments, the Appointing Committee shall include some persons who are familiar with the principles, methods, and practices of labor relations and personnel administration.

Members shall hold office until a successor has been appointed and qualified. Any vacancy in the membership of the Board shall be filled by the Appointing Committee for the remainder of the unexpired term.

Persons appointed must be registered voters of the Town. Members shall serve without pay. Employees of the Town or elected officials shall be ineligible for membership.

B. Duties

1. The Personnel Board shall:

- (a) Establish such policies, procedures, and regulations as it deems necessary for the administration of this bylaw and the classification and compensation plan included herein.
- (b) Annually elect a Chairman and Secretary.
- (c) Meet quarterly or more often as necessary to consider such business as may be presented by Town officials, Town employees or other interested persons. A majority of the Board shall constitute a quorum for the transaction of business. The votes of at least three members of the Board shall be necessary on any matter upon which it is authorized to act.
- (d) Maintain records in a standardized format of all employees subject to this bylaw, including therein such information as it deems desirable. Said records shall be maintained in accordance with Section 6, Paragraph E. Copies of the employee's personnel records on file shall be given to each employee upon his or her request, at the expense of the employee.
- (e) Meet with (a) the Board of Selectmen and (b) the Finance Committee, at least annually.
- (f) Develop and maintain written job descriptions and from time to time amend such job descriptions.
- (g) Annually review the compensation plan, and, if deemed appropriate, submit proposed revisions to the plan to the Annual Town Meeting.

(h) Annually make a report to the Town, including recommendations on any matters related to the personnel bylaw which it feels should be considered by the Town.

2. The Personnel Board may employ assistants and incur expenses as it deems necessary subject to the appropriation of funds.

SECTION 6 - THE CLASSIFICATION PLAN

A. Position Titles

Positions in the service of the Town, full and part-time, except those elected by the voters and those which are essentially seasonal, shall be classified by titles, and each title shall be the subject of a separate job description and be assigned to a specific grade. These classifications and assignment to grade are annexed hereto as Appendix C.

B. Job Description

The Board shall develop and maintain written job descriptions, and from time to time amend such job descriptions.

A job or position description shall consist of a statement describing the essential nature of the work and the characteristics of that position.

Specifically, nothing contained in a job description shall in any way affect or modify the power of any administrative authority, as otherwise existing, to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

C. New or Changed Positions

Whenever a new position is to be established or the duties of an existing position are to be substantially changed so that in effect a new position is to be created, it shall be the duty of the appointive authority to submit an

application to the Personnel Board. Such application shall include a rationale for the change requested and substantiating data satisfactory to the Personnel Board.

The Board shall consider the request and act on it. If the action of the Board is affirmative, the change in classification shall be temporary until approved at the next Annual Town Meeting.

D. Changes Regarding Classification, Compensation, and Revisions

A request by an appointive authority for a change in the classification of a person subject to this bylaw or for revision of the compensation plan shall be filed with the Board of Selectmen, so that the Board of Selectmen may review the proposed change before forwarding it to the Personnel Board. The Personnel Board shall review the proposed change with the appointive authority and supervisor, if any, and with the Finance Committee prior to making a recommendation to the Town Meeting.

E. Personnel Records

Except as otherwise provided by vote of the Board of Selectmen, the personnel and leave records of all employees under the classification plan, shall be kept under the jurisdiction of the Board of Selectmen and under the day to day control of the Administrative Assistant or such other individual as may be appointed by the Board of Selectmen. Leave records shall be certified on department payrolls.

SECTION 7 - COMPENSATION PLAN

A. Jurisdiction

The classification of positions and the establishment and annual review of the compensation plan are the exclusive responsibility of the Personnel Board, subject to the approval of the Annual Town Meeting.

B. Pay Schedules

The compensation plan shall consist of pay schedules of ten steps or levels which shall provide minimum through maximum salaries or wages for the twelve pay grades in the classification plan. The pay schedule is annexed hereto as Appendix D. (For advancement in rate see Section 8 Paragraph C Sub-paragraph 1.)

C. Review of Pay Schedules

The Board shall annually review the salaries and hourly compensation rates of all positions subject to the provisions of this bylaw.

After consultation with the Board of Selectmen and the Finance Committee, the Board may submit proposed amendments or revisions to the pay schedule plan which shall become effective upon their adoption by the Annual Town Meeting.

SECTION 8 - PERSONNEL RELATIONS

A. Recruitment of New Employees

All new employees should be recruited at the entry rate of pay within their classified grade.

For compelling reasons, which shall be fully documented in writing, an appropriate authority may request an entrance rate higher than Step 1. The Board may authorize a higher rate if it deems such action to be necessary for the proper functioning of the services of the Town. The approval of the Board must be obtained prior to the hiring.

There shall be a ninety (90) day trial period for all new employees during which period they shall not be eligible for vacation, sick, bereavement, or holiday leave, leaves of absence or personal days. Completion of the trial period shall be evidenced by a satisfactory performance evaluation conducted by the supervisor. Upon the review and concurrence of a satisfactory performance evaluation by the appointive authority, an employee shall be entitled to all fringe benefits and shall receive entitlement retroactively to the date of employment for vacation leave, sick leave and longevity pay. If this performance evaluation is not satisfactory, the employee shall be discharged.

B. Performance Appraisal

No later than June 1st of each year, the supervisor shall undertake an evaluation or "Performance Appraisal" of said employee in order to determine whether said employee has made satisfactory progress since the date of the prior evaluation. Upon the review and concurrence of the evaluation by the

appointive authority and the Personnel Board, the supervisor shall discuss the evaluation with the employee. An employee who receives two (2) consecutive unsatisfactory annual appraisals may be dismissed.

C. Advancement in Rate

Advancement in rate from minimum to maximum rate shall be through step increases granted to an employee who regularly works a minimum of twenty hours per week as follows:

1. Advancement in pay rate shall be made annually, on July 1st, provided that the Personnel Board shall have concurred that the evaluation and "Performance Appraisal" of the employee certifies that the employee has made satisfactory progress.
2. An employee who has reached the maximum pay rate in his grade may be promoted to a position in a higher grade, provided said employee is fully qualified for such promotion and the promotion is warranted due to the performance of the employee.
3. An employee who has reached the maximum pay rate in his grade shall be eligible for longevity increases and increases in pay resulting from the periodic revision of the pay schedule.
4. Nothing in the present bylaw shall be deemed to guarantee a grade promotion to an employee who has reached the maximum pay rate in his grade.

D. Promotions to a Higher Grade

An employee receiving promotion to a higher pay grade shall upon assignment receive the pay rate in the new job grade which will result in a minimal increase.

E. Assignment to a Lower Pay Grade

An employee permanently assigned to a lower pay grade shall receive the pay rate of the lower job grade appropriate to his or her length of service and experience.

F. Reclassification Rate

An employee receiving a reclassification of his job to a higher or lower pay grade will have his job adjusted as in C and E.

G. Across the Board Increases

The Personnel Board may from time to time determine that across the board raises (so called cost of living or inflation raises) are justified and appropriate. Such proposals shall be submitted to the Annual Town Meeting, and shall serve to modify the wage rate schedule of all steps of all grades included in the compensation plan.

H. Longevity Pay

1. After thirteen (13) years of full-time, continuous employment as measured from the date of employment in the Town of Granby, a full-time employee

shall receive an annual longevity bonus of Seven Hundred and Five Dollars (\$705.00). Thereafter, the annual bonus shall be increased by Thirty Five Dollars (\$35) for each additional, consecutive twelve (12) month period of such employment. Such bonuses shall be paid on the anniversary of the employee's date of employment. The provisions of this paragraph shall be effective as of July 1, 1991.

2. Until eligible for the longevity bonus authorized under sub-paragraph 1 above, an employee who was hired on or before June 30, 1991 and who has attained seven (7) years of full-time, continuous employment as measured from the date of employment in the Town of Granby shall receive an annual longevity bonus of Three Hundred and Fifty Dollars (\$350.00). Thereafter, this annual bonus shall be increased by Twenty Dollars (\$20) for each additional, consecutive twelve (12) month period of such employment. Upon becoming eligible for the longevity bonus provided under sub-paragraph 1, the bonus payable under this sub-paragraph shall cease. Such bonuses shall be paid on the anniversary of the employee's date of employment.

SECTION 9 - ROLE OF PERSONNEL BOARD IN GRIEVANCE CASES

The Personnel Board shall not serve as a grievance committee as set forth in M.G.L. Chap. 40, Sect. 21B and shall have no role in grievance cases.

SECTION 10 - PERSONNEL RELATIONS REVIEW BOARD

There shall be established a Personnel Relations Review Board consisting of three (3) members appointed by the Personnel Board Appointing Committee, as defined in Section 5, Paragraph A.

The term of office of the members of the Personnel Relations Review Board shall be for three (3) years, provided, however, that of the members originally appointed, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years from the date of the Annual Town Meeting in the year of appointment. Each member shall continue to hold office until his or her successor has been appointed and qualified. Any vacancy in the membership of the Board shall be filled by the Appointing Committee for the remainder of the unexpired term.

The Personnel Relations Review Board will serve as a grievance committee as set forth in M.G.L. Chap.40, Sect. 21B. As such, the Board is empowered to adjust the grievances of all Town employees except those appointed by the School Committee. The word "Grievance" as used in this section shall be construed to mean any dispute between a Town employee and his or her appointing authority arising from an administrative judgement falling within the Town's contract with the employee. The Personnel Relations Review Board will have no authority in a dispute over contract terms, or any adjustments involving the expenditure of money in excess of the appropriation authorized by Town Meeting. The Board's authority will not extend to any dispute which would be within the jurisdiction of the Civil Service Commission or Contributory Retirement Appeal Board.

Grievances must be appealed through normal channels of authority prior to consideration by the Personnel Relations Review Board.

The Board will organize and elect its own Chairman and Secretary. The Board shall meet as required. A majority of the Board shall constitute a quorum for the transaction of business, and shall determine the action the Board will take in all matters which it is authorized or required to act upon under this bylaw.

SECTION 11 - FRINGE BENEFITS

A. Paid Vacation Leave

1. On July 1st of each year, employees shall be credited with vacation leave as determined below. This leave shall be taken during the ensuing twelve month period and any unused portion shall be forfeited unless the appointive authority shall permit, in writing, the unused portion to be carried forward into the following fiscal year. In no event shall the amount carried forward be in excess of two weeks. If an employee becomes entitled to an additional week of vacation during the fiscal year, he shall be credited with the leave immediately and shall use the leave prior to the end of the fiscal year.

2. Full-time employees, who have been continuously employed by the Town during the preceding twelve months, shall be entitled to paid vacation leave, based upon the number of years of full-time service on the most recent anniversary of their date of employment, as follows:

Employed by the Town for one (1) year but less than five (5) years: two (2) weeks (ten working days) of vacation leave per year.

Employed by the Town for five (5) years but less than twelve (12) years: three (3) weeks (fifteen working days) of vacation leave per year.

Employed by the Town for twelve (12) years but less than twenty (20) years: four (4) weeks (twenty working days) of vacation leave per year.

Employed by the Town for twenty (20) years or more: five (5) weeks (twenty-five working days) of vacation leave per year.

Employed by the Town for less than one (1) year: one (1) day of vacation for each month of employment not to exceed ten (10) working days.

3. A full-time employee who terminates for any reason shall, at the time of termination, be compensated for accrued and unused vacation time. For purposes of this subsection, vacation leave for employees, employed on the preceding July 1st, shall accrue at one tenth (1/10) of the employee's entitlement on the preceding July 1st, but, in no event, shall the amount of this calculation exceed the annual entitlement outlined above. The amount of this accrual shall be added to the amount of any credited but unused vacation leave from the current fiscal year to determine the amount of compensation payable at termination. Full-time employees, not employed on the preceding July 1st, shall be compensated for one (1) day of vacation leave for each month of employment not to exceed ten (10) days.
4. For the purpose of determining eligibility for vacation leave, part-time employees who later become full-time employees shall be given longevity credit for hours worked proportionate to a regular forty (40) hours work week.

B. Holiday Leave

Full-time employees shall be granted the following holidays, with pay: New Year's Day, Martin Luther King Day, Washington's Birthday, Patriot's Day,

Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday is celebrated on a day when the employee is not regularly scheduled to work, the supervisor shall either grant compensatory time off or compensate the employee for one day at his regular hourly rate of pay.

C. Bereavement Leave

Full-time Town employees shall be granted up to three days of paid bereavement leave at the discretion of the supervisor for a death in the employee's immediate family. "Immediate family" shall be defined as: father, mother, stepfather, stepmother, brother, sister, grandparents, grandchildren, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, wife and husband.

Employees working less than twenty-seven (27) hours a week shall be granted bereavement leave without pay.

D. Military Leave

Full-time employees serving in the National Guard or military reserve shall be granted military leave of up to seventeen (17) days per year.

If the military pay received by the employee for such duty shall be less than the regular rate of compensation received by the employee from the Town, the difference between the military pay and the regular rate of compensation shall be paid by the Town. The employee shall submit evidence of the amount of military pay received.

Employees working less than twenty-seven (27) hours a week shall be granted military leave without pay.

E. Maternity Leave

Full-time employees shall be granted a maternity leave of three (3) calendar months without pay upon application to said employee's supervisor. An extension may be granted at the discretion of the employee's supervisor. The employee shall request the leave at least ninety (90) days in advance of the date the leave is expected to begin.

F. Jury Duty Leave

Full-time employees shall be granted leave when called to serve on a jury. When any such employee is required to perform jury duty, he or she will be excused from his or her normal employment in the Town but only for that period of time wherein he or she is actively participating under the jurisdiction of the court system. If he is dismissed and advised that he is on call, but permitted to leave the court, he must report back to work until he is recalled.

If the jury fee received by said employee is less than the regular rate of compensation received from the Town, the difference between said fee and said regular rate of compensation shall be paid to such employee by the Town. The employee shall submit evidence of the amount earned while on jury duty.

G. Sick Leave

Full-time employees of the Town shall accrue sick leave, as provided below:

1. Upon completion of thirty (30) calendar days permanent full-time employment, an employee shall be allowed one and one-quarter (1 1/4) days sick leave with pay for each month of employment completed in any given calendar year, provided such leave is caused by sickness or injury or by exposure to contagious disease.
2. An employee in continuous employment shall be credited with the unused portion of sick leave, granted under subsection 1 (above) up to a maximum of one hundred and eight (108) working days. Upon termination of employment, the employee will not be monetarily compensated for the unused portion of accrued sick leave.
3. If a paid holiday occurs during sick leave, the employee shall receive holiday pay in place of sick pay for that day.
4. A physician's certificate of illness, injury or disability may be requested by the supervisor, appointive authority or Personnel Board after three (3) days of absence or after a series of repeated absences during the year. This certificate, if requested by the supervisor or appointive authority, shall be forwarded to the Board. When an employee wishes to return to work after an illness, injury or disability, the supervisor, appointive authority or Personnel Board may require the employee to furnish a physician's certificate that the employee is able to return to work.
5. Notification of absence due to illness must be made as early as possible on each day of absence, either to the employee's supervisor.

6. Should any supervisor, appointive authority or the Personnel Board feel that it may be necessary, they, at the Town's expense, may require an examination by a physician of their choice, and the results of this examination may determine the continuation of paid sick leave.
7. Sick leave records shall be maintained by all departments on forms provided by the Town Accountant, shall be certified on department payrolls, and shall be forwarded to the Board of Selectmen for safekeeping with other leave records.
8. In cases of disagreement as to the total amount of sick leave accrued by an employee, the final determination shall be made by the Personnel Board.

H. Leaves of Absence (Unpaid)

Full-time employees may, in special circumstances, be granted uncompensated leaves of absence for a period not to exceed sixty (60) working days. Such leaves may be granted at the discretion of the appointive authority after due consideration has been given to the convenience of the Town and the purpose for which the leave is requested.

Fringe Benefits will not be continued during such a leave of absence. Medical insurance may be continued during an unpaid leave of absence at the employee's expense, provided he or she makes the appropriate arrangements with the Administrative Assistant prior to beginning the leave of absence.

Employees working less than twenty-seven (27) hours a week shall not be eligible for such leaves of absence except in rare instances and for compelling reasons.

I. Personal Leave

1. Full-time employees shall be entitled to receive two (2) personal days per fiscal year, subject to approval of their supervisor. Such days shall not normally be used to extend vacations or holidays.
2. Personal days must be used during the fiscal year in which they are accrued.

J. Insurance

Full-time employees shall be given the opportunity to enroll in the hospital-medical and life insurance plans. Elected officials and part-time employees as defined under Massachusetts General Laws, Ch. 32B, Section 2,D, shall be given the opportunity to enroll in the plans. This chapter provides that any employee who is compensated and regularly works 20 or more hours per week is eligible. Persons elected by popular vote who receive compensation are eligible, regardless of the number of hours they work.

K. Retirement

1. Employees who regularly work twenty (20) or more hours per week are required to become members of the Hampshire County retirement system.

Employees who have worked 130 days per year and whose (annual) pay is at least \$3,500 must become members of the retirement system.

2. Employees who qualify for membership and who work the minimum of twenty (20) hours per week, but less than forty (40) hours per week, shall be granted creditable service prorated on the basis of forty (40) hour week.

L. Witness Leave

Emergency Medical Technicians (E.M.T.) shall be reimbursed for the expense of appearing in court as a subpoenaed witness when the appearance and the subpoena are a direct result of action taken by him or her while performing duties assigned by the Town. "Direct result" shall mean testimony relating to the performance of their duties as an E.M.T. and shall not relate to observations or activities incidental to such employment.

Reimbursement shall be for expenses up to a maximum of \$100 per day. Reimbursable expenses include the cost of parking and lost wages from their regular employment, provided however, that the individual would have otherwise worked during such a court appearance and was not paid in whole or in part by an employer or the party calling them as a witness for the court. An itemized list of expenses and any offsetting payments shall be submitted for review and approval.

SECTION 12 - DISCIPLINARY ACTION

Employees of the Town are expected to comport themselves at all times in a professional manner.

The following infractions may result in reprimand, suspension, and even dismissal:

- A. Excessive absenteeism or lateness.
- B. Insubordination - including but not limited to:
 - 1. Deliberate disobedience to instruction of supervisor.
 - 2. Refusal or failure to do work within job classification.
- C. On the job use of non-medically prescribed intoxicating beverages or narcotics.
- D. Loss of license or failure to renew license essential to employee's work.
- E. Falsifying time sheets.
- F. Assaulting or threatening to assault or harass a fellow employee, employer, or supervisor.
- G. Willful neglect or damage to employer's property or interest.

Any violation of the above rules shall be fully investigated.

A supervisor may recommend a dismissal of an employee for violation of the above. No employee shall be discharged without a summary hearing consisting of the immediate supervisor and the elected official responsible for that department.

An employee who has been discharged for violation of the above rules shall have recourse through the Grievance Procedure.

Revised June 10, 1991

Revised June 21, 1993

Revised March 29, 1999

APPENDIX A

AUTHORITY FOR PERSONNEL RELATIONS REVIEW BOARD

Chapter 40, Section 21b of the General Laws of Massachusetts

Personnel Relations Review Board; establishment; purpose, "grievance", defined. Any town bylaw adopted at an annual town meeting, any city have a Plan D or Plan E charter by ordinance adopted in accordance with the provisions of its charter, and any other city by ordinance approved by its mayor may establish a Personnel Relations Review Board and may empower such board to adjust the grievances of all employees of such town or city other than those appointed by the School Committee; provided, that such a board, by such an adjustment, shall not involve the city or town in an expenditure of money in excess of the appropriation made for the use of such board. As used in this section, the word "grievance" shall be construed to mean any dispute between an employee of a city or town and his appointing authority arising out of an exercise of administrative discretion by such authority under the contract of employment between the employee and the city or town, except a dispute concerning a change in one or more of the terms of such contract and except also a dispute which is, or upon proper appeal would be, within the jurisdiction of the Civil Service Commission or the contributory Retirement Appeal Board. No ordinance establishing in any city a Personnel Relations Review Board required by this section to be approved by the mayor of such city shall be amended except by ordinance likewise approved.

Added St. 1955, c. 294.

Library references: Municipal Corporations key 215; C.J.S.

Municipal Corporations paragraph 700.

APPENDIX B

GRIEVANCE PROCEDURES

Step 1. An employee having a grievance as defined and limited by General Laws, Chapter 40, Section 21B, shall discuss it verbally with his/her immediate superior in an attempt to resolve the issue informally. The grievance should be presented within ten (10) working days from the day when the employee first becomes aware of its circumstances. Failure to bring the complaint forward at that time will constitute a full and complete waiver of the grievance.

Step 2. If the employee and his immediate supervisor do not resolve the grievance to their mutual satisfaction within ten (10) working days after the day the employee first brings up his complaint, or if the nature of the complaint is beyond the legal authority of the immediate supervisor to adjust, then the employee must reduce his grievance to writing and present it in written form to his immediate supervisor within five (5) working days after he is told the matter will not be adjusted by the immediate supervisor. The immediate supervisor will note on the written grievance the date it is received and a notation to the effect that the matter has not been resolved.

The employee must then present the written grievance, endorsed by the immediate supervisor, as outlined in Step 2, within five (5) working days to the Board or Commission of the Town which has primary responsibility over the employee. In cases of doubt, that portion of the Town budget which included funds for the employee's wage shall be considered to be the department of primary responsibility. If there is no such clear department of primary responsibility, the grievance shall be presented to the Board of Selectmen.

Step 3. Within ten (10) working days after it receives the written grievance, the Board or Commission responsible for the employee shall meet with the employee in an effort to resolve the issue. The employee is entitled to receive a written reply to his grievance within ten (10) working days after he meets with the Board or Commission of primary responsibility.

Step 4. If the employee is not satisfied with the response at Step 3, or if he has not received a written reply as required thereunder, he may present the written grievance within five (5) working days thereafter to the Personnel Relations Review Board. The Personnel Relations Review Board shall meet with the employee within ten (10) working days thereafter in an effort to resolve the issue. The decision of the Personnel Relations Review Board shall be final and binding upon the employee and the Town provided however that the Personnel Relations Review Board may not make any adjustments of the grievance which is contrary to the law or any Town bylaw, or which constitutes a change in the employment contract between the employee and the Town, or which is properly subject to appeal to the Civil Service Commission (if in force in the Town) or the Contributory Retirement Appeal Board, nor may the adjustment require any expenditure of funds in excess of those appropriated to the use of the employee's department.

General Grievance Conditions:

All time limits established hereunder are considered as maximum. Such time limits may not be extended except by mutual written agreement of the employee and the Town representative with whom he is dealing at the appropriate step of the procedure. Failure of an employee to process his grievance within the time limits set forth (unless mutually extended) shall constitute a full and final waiver of the grievance and all circumstances relating to it.

To the extent permitted by law, an employee submitting a grievance to the Grievance Procedure shall be held to have made an election to remedies, and may not contemporaneously or thereafter bring or maintain any legal proceeding or avail himself of any other applicable complaint proceeding to resolve the same set of fact circumstances which resulted in his/her grievance. The Town or its representatives may plead utilization by the employee of this procedure in any proceeding which may warrant the same in order to establish the election of remedies.

The employee may be represented by his attorney at any stage of the grievance procedure. Except for the informal verbal discussion permitted under Step I, all processing of grievances shall be after the employee's working hours and at his own expense without recourse to the Town. No witness or other person produced by the employee on his behalf shall be entitled to any pay or expense reimbursement from the Town.

The Personnel Relations Review Board shall keep a separate file on all grievances which shall come before it, and no derogatory record or notation shall be made in

any employee's work file based solely upon his utilization of the grievance procedure, all employees being free to utilize the procedure without fear of retribution.

To the extent permitted by law, any meetings of public bodies required hereunder may be held in Executive Session unless the employee requests the issue be discussed in Open Meeting.

All references to employees shall include male and female.

APPENDIX C

CLASSIFICATION PLAN GRADE ASSIGNMENTS

JULY 1, 2003

<u>TITLE OF POSITION</u>	<u>GRADE</u>
Council On Aging Van Driver	1
Lawn Service and Maintenance	1
Custodian/Craftsman	2
Transportation Dispatcher	2
Library Assistant	2
Assistant Librarian	3
Treasurer's Clerk	3
Cataloging Services Assistant	3
Children's Librarian	3
Grave Development, Excavation and Interment	3
Light Equipment Operator/Laborer	3
Assessors' Clerk	3
Firefighter/EMT/Basic	3
Accounting Clerk/Assistant Town Accountant	4
Community Development/Selectmen's Secretary	4
Police Secretary/Dispatcher	4
Firefighter/EMT/Intermediate	4
Heavy Equipment Operator/Laborer	4
Mechanic/Light Equipment Operator/Laborer	5
Director of Assessments	6
Director of Senior Services	6

Firefighter/EMT/Paramedic	6	
Heavy Equipment Operator/Laborer/Assistant Foreman		6
Health Agent	7	
Director of Recreation	7	
Library Director	8	
Inspector of Buildings/Zoning Enforcement Officer	8	
Highway Foreman	8	
Town Accountant	9	
Police Lieutenant	9	
Highway Superintendent	10	
Executive Assistant to the Board of Selectmen	11	
Fire Chief	11	
Chief of Police	12	