



TOWN OF ORANGE
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June 23, 2022

Pursuant to warrant duly served and posted, the inhabitants of the Town of Orange qualified to vote in elections and town affairs at the Annual Town Meeting held at the Ruth B. Smith Auditorium on June 21, 2022 and continued on June 22, 2022 and June 23, 2022 at 7:00 p.m. passed the following article:

ARTICLE 27: HUMAN RESOURCE BYLAW AMMENDMENT

Motion passed by required 2/3, 48 in favor, 26 opposed, 6 abstained, to amend the Human Resource bylaw approved at Annual Town Meeting on June 15, 2015 by removing “be available to hold joint meetings with other boards or meet with individual department heads or other employees to discuss their issues and provide advice and assistance in the process for resolving the issues” in Section 4 paragraph 4.2 bullet 6.

ATTEST:

Nancy M. Blackmer
Nancy M. Blackmer, MMC/CMMC
Town Clerk

Section 1. Purpose and Authorization

The purpose of this Human Resources bylaw is to:

- (1) establish and maintain personnel policies based on:
 - (a) the most current best practices; and
 - (b) the ever-evolving needs of the Town; and
- (2) to establish a system of personnel administration that ensures a uniform and efficient application of those policies.

This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and General Laws, Chapter 41, Sections 108A and 108C.

Section 2. Application

All Town departments, boards and commissions, and their respective positions shall be subject to the provisions of this bylaw, except elected Town officers and employees of the school department. To the extent the provisions of this bylaw conflict with the provisions of any individual personal employment agreement(s) authorized by law or the provisions of any collective bargaining agreement(s), the terms of the individual personal employment agreement(s) authorized by law or collective bargaining agreement(s), as the case may be, shall prevail.

To the extent a Town department, board or commission is subject to the provisions of a specific state statute that provides such department, board or commission with specific authority to set salaries or other terms and conditions of employment of employees within the jurisdiction of such department, board or commission, the state statute shall prevail over the provisions of this bylaw; provided, however, that such state statute and this bylaw shall both be subject to the provisions of Massachusetts General Laws Chapter 150E.

Section 3. Delegation of Responsibilities

3.1 *Board of Selectmen:* The Board of Selectmen shall be responsible for the overall administration of the Human Resources Bylaw and the personnel policies. The Board of Selectmen may delegate administration of this bylaw to the Personnel Administrator who shall be the Town Administrator.

3.2 *Town Moderator:* The Town Moderator shall appoint a Human Resources (HR) Board.

3.3 *Human Resources (HR) Board:*

3.3.1 *Composition:* The HR Board shall consist of five (5) members appointed by the Town Moderator. One (1) member shall be appointed for a term of one (1) year, two (2) members for terms of two (2) years, and two (2) members for terms of three (3) years. All subsequent appointments shall be made for three (3) years and vacancies shall be filled by the Town Moderator for the remainder of the unexpired term.

3.3.2 *Requirements for/Limitations on Membership on HR Board:*

1. Members must be registered voters in the Town of Orange.
2. Members may not be employees under the jurisdiction of the Town, or an appointed or elected official of the Town, including the school department.
3. Members may not have held any other appointed or elected position in Town government, including the school department, as follows:
 - a. Former paid employees and retirees from appointed or elected Town positions or offices may be members of the HR Board only after a period of one (1) year from the date on which their employment with the Town ended; and
 - b. Former unpaid employees and retirees, whether in appointed or elected Town positions, may be members of the HR Board only after a period of six (6) months from the date on which their service with the Town ended.
 - c. Notwithstanding the foregoing, members of the HR Board at the time this bylaw takes effect shall continue as members of the HR Board until their successors are appointed and duly qualified.
4. Members may be reappointed by the Town Moderator to multiple consecutive terms at the discretion of the Town Moderator.
5. Like all Town employees and board/committee members, the HR Board is subject to and shall abide by the provisions of the Conflict of Interest Law, Massachusetts General Laws Chapter 268A.
6. Members shall serve without compensation.

3.3.3 *Organization:* The HR Board shall annually select a Chairperson from the its membership who shall preside over meetings and serve as the HR Board's spokesperson. The HR Board shall select a clerk from its membership who shall be responsible for recording minutes of committee

meetings, in accordance with the Open Meeting Law, Massachusetts General Laws Chapter 30A, Section 22. A majority of the HR Board shall constitute a quorum for the transaction of business. Action by a majority of those HR Board members present shall be binding.

3.4 Personnel Administrator: The Town Administrator shall serve as the Personnel Administrator.

3.4.1 Powers and Duties: The Personnel Administrator shall have the following duties:

3.4.1.1. Under the general direction of the Board of Selectmen, shall be responsible for the day-to-day administration of all functions specified in this bylaw and personnel policies promulgated pursuant to Section 6 and any other policies, procedures, or regulations that may be established to administer this bylaw; and for ensuring that this bylaw and personnel policies are consistently administered by all Town departments, boards, and committees.

3.4.1.2. Provide advice and assistance to the Board of Selectmen, HR Board, supervisory personnel, and employees in all aspects of personnel management specified in this bylaw.

3.4.1.3. Periodically review and recommend to the HR Board such changes in this bylaw and the Town's personnel policies as may be considered necessary as conditions change.

3.4.1.4. Supervise and maintain, on a centralized basis, all records pertaining to personnel management in the Town, including therein such information as required by law.

3.4.1.5. Administer employment training, and employee development programs, whether funded by the Town, the Commonwealth, the United States Government, or any other source.

3.4.1.6. Evaluate periodically the effectiveness of the Town's personnel system and recommend any changes to the HR Board.

3.4.1.7. Ensure that the Town provides equal opportunity to all persons regardless of age, as defined by law, race, color, creed, gender, gender identity, genetic information, sexual orientation, as defined by law, national origin, political affiliation, disability, military status, ancestry, age, any other category or class protected by federal, state or local laws, or any other non-merit factors for

entry level positions and promotional positions, and that the Town provides equal treatment in all aspects of personnel management.

3.4.1.8. Ensure that the recruitment, selection, appointment and removal of employees is consistent with the Human Resources Bylaw and any policies and procedures adopted pursuant to the Human Resources Bylaw.

3.4.1.9. Ensure the preparation and maintenance of a comprehensive compensation and classification plan including the pay schedule and classification plan.

3.4.1.10. In conjunction with Town department heads, establish and maintain written job descriptions for those positions covered by this bylaw, describing the essential characteristics, requirements, and functions of those positions.

Section 4. Human Resources (HR) Board

4.1 *Purpose of the HR Board:* The purpose of the HR Board is to serve as an advisory board that provides other boards, committees, and employees with information on best practices in Human Resources.

4.2 *Powers, Duties, and Responsibilities:* The HR Board is authorized to prepare personnel policies for the Selectmen's consideration and ratification, which policies shall apply to those Town positions that are subject to this bylaw.

The HR Board shall prepare policies and procedures for the Selectmen's consideration and ratification that it deems necessary for the administration of the Personnel Bylaw and any personnel policies adopted pursuant thereto.

The HR Board is an advisory board. As such it may:

- provide advice about the standard framework of the Town's Human Resources system, including but not limited to compliance with all relevant laws, policies, rules and regulations; consistent application of the Town's performance evaluation and review process; and consistent application of employee discipline; provide advice on Town's personnel rules, regulations, policies, and practices in an effort to ensure uniform HR operation;
- provide advice on rights and obligations of municipal employees and officials;
- jointly with the Town Administrator, conduct review of job descriptions, their classification, and the compensation plan at least every three years and advise the Board of Selectmen on whether to alter pay grid or steps within pay grid and advise on potential changes to job descriptions or their classifications;

- provide advice on establishment of and policies pertaining to employee sick leave bank;
- provide advice on duties and tasks that should be accomplished that are not currently referenced in any job description and on which position might take on such duties and tasks; and
- take on other research and advisory tasks within the HR/personnel field as may be requested of it or the HR Board deems appropriate.

When the HR Board provides advice in writing, the recipient person or committee must respond back to the HR Board in writing within 60 days.

Section 5. Establishment of a Human Resources (HR) System

A Human Resources (HR) system shall be established through the promulgation of policies pursuant to Section 6 of this Bylaw. The HR system shall make use of modern concepts of HR management and may include, but not be limited to, the following elements:

- (1) a method of administration;
- (2) a classification plan;
- (3) a compensation plan;
- (4) a method of recruiting and selecting employees;
- (5) a centralized record keeping system;
- (6) personnel rules and regulations relating to the rights and obligations of employees;
- (7) disciplinary procedures; and
- (8) other elements that are deemed necessary by the Board of Selectmen.

Section 6. Adoption and Amendment of Human Resources (HR) Policies

The Board of Selectmen shall promulgate personnel policies defining the rights, benefits and obligations of employees subject to this bylaw upon recommendation of the HR Board. Policies shall be adopted or amended as follows:

6.1 Preparation of Policies: The HR Board shall prepare policies or amendments to policies for approval by the Board of Selectmen. Any member of the Board of Selectmen, any member of the HR Board, the Town Administrator, a department head, or any three employees may suggest policies to be considered for preparation by the HR Board. The HR Board need not consider any proposal it

has already considered in the preceding twelve (12) months. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy or amendment to the HR Board in writing. The HR Board shall consider any proposed policies or amendments at a public meeting. Any proposed policies or amendments shall, at least ten (10) calendar days prior to the public meeting, be posted on the Town bulletin board and on the Town web site, and shall be available in the offices of the Town Clerk and the Town Administrator. A copy of any such proposed policies or amendments shall also be submitted to the Board of Selectmen.

6.2 Process at Public Meeting: The HR Board shall present each proposed policy or amendment, the purpose of the proposal, and the implication of any proposed change at the public meeting. Any person may attend the public meeting, speak and present information. Within thirty (30) calendar days after such public meeting, the HR Board shall consider the proposed policy(ies) or amendment(s) and vote to either:

1. recommend that the Board of Selectmen adopt the proposed policy(ies) or proposed amendment(s) be adopted, with or without modifications; or
2. recommend that the Board of Selectmen reject the proposed policy or proposed amendment(s); or
3. recommend that further study is necessary.

The HR Board shall transmit its recommendations in writing, including the text of any proposed changes in policy, to the Board of Selectmen within seven (7) calendar days of any vote on proposed personnel policies or amendments.

6.3 Recommended Policies: The recommendations from the HR Board shall contain the text of the proposed policy or amended policy, an explanation of the Policy, and the potential implications of the Policy. Within thirty (30) calendar days of receipt of the written recommendations of the HR Board, the Board of Selectmen shall consider the HR Board's recommendations and may adopt, reject, revise, or return the recommendations for further action or study to the HR Board. The Board of Selectmen need only act on proposed policies recommended by the HR Board for adoption. Policies shall become effective upon approval of the Board of Selectmen, unless some other date is specified in the policy or rules.

The Board of Selectmen shall notify the HR Board in writing of the action taken by the Board of Selectmen within seven (7) calendar days of such action.

6.4 Posting of Policies: The Town Administrator shall ensure the text of the adopted policy is posted on the Town bulletin board and on the Town web site, and is available in the offices of the Town Clerk and the Town Administrator.

6.5 *Official Record*: The Town Clerk shall maintain a compilation of all HR policies adopted by the Town.

Section 7. Severability

The provisions of this bylaw and any policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provisions of the bylaw or policies shall not be affected thereby.

Section 8. Savings Clause

Any HR or personnel policy previously adopted by the Town Meeting shall continue in full force and effect until otherwise amended or superseded by a new or revised policy pursuant to this bylaw.

The classification plan and compensation plan shall continue in full force and effect until superseded by a new or revised compensation and classification plan in accordance with this bylaw.

Section 9. Effective Date

This bylaw shall take effect on June 15, 2015.

Amended June 21, 2022