



Town Clerk
Elizabeth Gaffey

Town of Walpole
Commonwealth of Massachusetts

Town Hall
135 School Street
Walpole, MA 02081

ARTICLE 16:

On Motion by the Finance Committee; it was Moved & Seconded:

That the Town vote to delete references to the Personnel Board in the Charter and Chapter 230 of the General Bylaws, all as set forth below, and, further, to authorize the Select Board to file with the General Court a petition for special legislation to make the changes to the Charter, provided, however, that the General Court may make changes of form only to such bill without approval of the Select Board, and, further, to authorize the Select Board to approve such revisions requested by the General Court as are consistent with the public purposes of the petition, or do or act anything in relation thereto. (Petition of the Select Board)

Form of Charter Special Legislation

An Act Relative to the Charter of the Town of Walpole

SECTION 1. Section 2 of article II of the charter of the town of Walpole, as on file with the archivist of the commonwealth in accord with section 12 of chapter 43B of the General Laws, is hereby amended by deleting the following text: Personnel Board,

SECTION 2. Subsection (C) of section 8 of said article II of said charter is hereby amended by deleting the following text, "Finance Committee, Capital Budget Committee and Personnel Board", and inserting in place thereof the following:- Finance Committee and Capital Budget Committee".

SECTION 3. Section 2 of article V of said charter is hereby amended by deleting the first paragraph thereof and inserting in its place the following:- The Select Board shall establish job descriptions for all departments in the Town of Walpole, except the School Department. The Personnel Plan, as prepared by the Select Board, shall also be kept on file in the office of the Town Clerk.

SECTION 4. Section 8 of Article VII of said charter is hereby amended by deleting the last sentence and inserting in place thereof the following:- The Select Board shall establish job classifications for the positions of Chief of Police and Chief of Fire Departments.

SECTION 5. As of the effective date of this act, the terms of any members of the personnel board shall terminate and the personnel board abolished. Any documents, data, or other property of the personnel board shall be transferred by operation of law to the select board.

SECTION 6. This act shall take effect upon its passage.

Form of Bylaw Amendments

Amend Chapter 230 of the General Bylaws, Personnel, by deleting Section 101 of Article I of Chapter 230 and inserting a new Section 101, and, further, by amending other sections of said Chapter by deleting ~~strike through text~~ and inserting underlined text, with the symbols “****” denoting that there is additional text in the Bylaws not being amended (Chapter 230 of the Bylaws can be accessed in full on the Town’s website (<https://ecode360.com/12698792>):

Chapter 230: PERSONNEL

ARTICLE I AUTHORITY

§ 101 Authority.

- A. The Town Administrator, or designee, shall enforce and administer the Personnel Bylaw and establish procedures as deemed necessary and consistent with the Personnel Bylaw.
- B. The Office of Human Resources shall maintain written descriptions of the jobs or positions in the Personnel Plan (“PLAN”) describing the essential characteristics, requirements, and general duties. The descriptions shall not be interpreted as complete or limiting definitions and employees shall continue to perform any duties assigned by their superiors. Department Heads shall draft written job descriptions in collaboration with the Office of Human Resources and shall present final drafts to the Town Administrator for approval.
- C. Personnel records of all Town employees, including such information as may be deemed desirable, shall be maintained by the Office of Human Resources.
- D. The Select Board may add a new position to the PLAN or reclassify an existing position to a different schedule or grade, subject to the subsequent ratification of its actions by a formal amendment of the PLAN at the next Annual Town Meeting. All reclassifications of the schedule including grade, pay ranges, pay rates shall be effective on the dates recommended by the Select Board.
- E. The Select Board shall from time to time review the Classification and Compensation Schedules. The Town Administrator shall keep the Select Board informed as to pay rates and policies outside the services of the Town and the Select Board shall recommend to the Town any action deemed desirable to maintain a fair and equitable pay level.
- F. The Select Board, through the Town Administrator or designee, shall maintain up-to-date charts of the organizational structure of the Town.

ARTICLE II POLICIES

§ 201 Employment policy.

C. Posting.

3. Acting appointments may be made without posting with the approval of the ~~Personnel Board~~. Town Administrator for positions that report to the Town Administrator, and of the Select Board for positions that report to the Select Board.

§ 202 Sexual harassment.

- A. The Town of Walpole is committed to the provision of a safe and nondiscriminatory workplace for all of its employees. Pursuant to this commitment the Select Board ~~and the Personnel Board~~ endorses and adopts the following policy and its adjunct procedures to educate employees, to comply with statutory mandates, to address real and potential incidents and to strive to secure a harassment-free work environment.

- D. Any employee who believes he or she has been the subject of sexual harassment should report the alleged act(s) and/or behavior to his or her department head and/or the Town Administrator, Assistant Town Administrator or Human Resource Administrator at Walpole Town Hall, 135 School Street, Walpole, MA 02081, (508) 660-7289. Complaints should be made within a timely manner.

- H. The Select Board ~~and the Personnel Board~~ affirms ~~their~~ its responsibility to provide a work environment free of sexual harassment and recognizes that such an environment is the result of continued responsible action and behavior by all employees. Any employee is encouraged to raise questions regarding sexual harassment or other barriers to equal employment opportunity with the Assistant Town Administrator.

- I. Submitted for approval as part of the Town of Walpole Personnel Bylaw and adopted by Select Board ~~and Personnel Board~~.

- J. Sexual Harassment Complaint Procedure is on file in the Town Clerk's Office, ~~Personnel~~ Human Resources and Town Administration.

§ 203 Drug-free workplace.

Information concerning dangers of illegal drugs and confidential drug counseling is provided by the Massachusetts Substance Use Helpline ~~Governor's Alliance on Drugs (727-0786)~~ and through individual health care providers. This section is not intended to allow the employer to subject employees to any type of drug testing mandatory or otherwise.

ARTICLE III

POSITION CLASSIFICATION AND COMPENSATION SCHEDULE (the PLAN)

§ 302 Applicability.

The PLAN shall apply to all officers and employees in the services of the Town (whether Full Time, Part-Time, Seasonal, Casual, Special, Civil Service or other), other than those positions covered by a separate contract or collective bargaining agreement and under the direction and control of the School Committee. Nothing herein, however, shall bar using the PLAN or its provisions or facilities ~~by the Personnel Board~~ as a guide to authorized officials or committees in determining the compensation of such.

§ 303 Installation of PLAN.

- A. All employees included in the PLAN shall be eligible to receive any pay based upon their job classification as provided by the schedules adopted herewith. All adjustments shall be subject to the approval of the Town Administrator and Select Board ~~Department Head and the Personnel Board~~.

**ARTICLE IV
EMPLOYMENT**

§401 New Personnel.

- A. The hiring rate shall be the minimum of the rate range for the job unless otherwise authorized by the ~~Department Head and Personnel Board~~ Town Administrator. ~~If such authorization is given, it shall be supported by written statement of the reasons.~~
- B. All new employees shall be hired on a probationary basis for one year. By the end of the one-year probationary period, the employee's Department Head shall recommend to either permanently appoint or terminate the employee. Such recommendation to go into effect upon approval of the ~~Personnel Board~~ Town Administrator. Action by the ~~Personnel Board~~ Town Administrator will take place within a reasonable period following receipt of the Department Head's recommendation. The probationary period will continue until said recommendation is approved by the ~~Personnel Board~~ Town Administrator.

§ 402 Increases.

- A. Progression through the PLAN is NOT automatic and shall be on the basis of merit on recommendation of the Department Head and the ~~Personnel Board~~ Town Administrator. As to employees hired prior to July 1, 2017, eligibility for step increase will be on the anniversary date or promotion date. If an evaluation rating of "Meets Expectations" or better is received at the annual review, the employee will advance a step on the PLAN.

§ 403 Promotions and transfers.

- A. When an employee is promoted to a higher rate job, the entry shall be at the minimum of the job rate range or at the employee's own rate, whichever is the higher. An employee may also receive a step increase at the time, ~~if the Department Head feels that qualifications and performance warrant it, and the Personnel Board recommends it.~~ subject to recommendation by the Department Head and approval by the Town Administrator.

§ 404 Rate range revisions.

When rate ranges are affected by a wage increase voted by the Town, either fixed percentage or a fixed amount, all employees covered by the PLAN shall benefit but no employee shall be increased to a higher step in the rate range unless such increase shall be on the basis of merit, subject to recommendation by the Department Head and approval by the ~~Personnel Board~~ Town Administrator.

- A. No job, position, or employee, or any rate of pay, can be reclassified or reallocated, nor any step (progression increase) granted unless the ~~Board~~ Town Administrator shall have specifically approved the action before it is taken.
- B. The ~~proper Department Head~~ Town Administrator, or designee, shall inform the Select Board of each change in the content of a job or position.
- C. An employee reclassified as a result of rate range revision shall continue at the current rate until such time as the Department Head recommends that qualification and performance warrant a merit increase and the ~~Personnel Board~~ Town Administrator approves.

§ 405 Salary budgets.

~~A salary budget plan to provide funds for anticipated pay adjustments during the year will be developed with the approval of the Personnel Board. Anticipated pay adjustments will be considered by the Select Board each year with enough notice to inform the annual budget development process.~~

ARTICLE V
EMPLOYEE BENEFITS

§ 501 Fringe benefits.

Proposed changes in existing fringe benefits, such as vacations, holidays, premium pay, etc., and/or proposals for any additional fringe benefits shall be submitted by the ~~Department Head~~ Town Administrator to the ~~Personnel Board~~ Select Board for its recommendations prior to inclusion in proposed departmental budgets.

§ 507 Sick leave bank.

- A. Administration. The Sick Leave Bank shall be administered by the Sick Leave Bank Committee (the "Committee"), which shall consist of the Town Administrator, or designee, one member selected by the Town's salaried employees, and one member selected by the Town's hourly employees. Members of the Committee shall serve for a term of three years, but may serve more than one term in succession.

- C. Procedure for seeking benefits.

9. Questions regarding the interpretation or application of this bylaw shall be resolved by the Committee, with the input and guidance of the Town Administrator. ~~Personnel Board.~~

§ 508 Vacation

D. Newly hired employees who have attained a minimum of two years' relevant experience may be granted credit for this service. Up to a maximum of five years toward the amount of vacation leave granted the employee at their time of hire. In no case shall any newly hired employee be initially granted more than three times weekly authorized hours of vacation. And in all cases this bridging must receive prior approval of ~~the Personnel Board~~ Town Administrator. Any increases in vacation leave time granted above the amount of time initially credited shall be granted according to the schedule listed in the first subsection of this section. No employee shall receive more than five times weekly authorized hours of accrued vacation time.

F. Employees may request from the Town Administrator to take up to one week of weekly authorized hours of their vacation allotment within 90 days of date credited. Said "negative" vacation time to be deducted from the employee's allotment on date credited. If an employee resigns, retires or terminates employment prior to date credited, the employee must pay back the Town for negative vacation time.

ARTICLE VII
PERSONNEL ADMINISTRATION

§ 702 Employee complaint procedure.

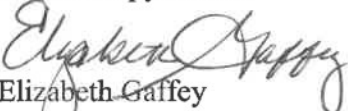
A. Complaint procedure.

1. Step 4: If the manager's answer to the employee's request or complaint is not satisfactory to the employee, the employee should notify the Town of Walpole ~~Personnel-Select~~ Board within one week. The ~~Personnel-Select~~ Board will review all pertinent documents, records, and management's written answer and answer the request or complaint within 30 days after receiving it. The ~~Personnel~~ Select Board's decision will be final.

Majority Vote Required: DECLARED FAVORABLE VOTE BY THE MODERATOR

I hereby certify that the above article declared voted by the Moderator at the Spring Annual Town Meeting first convened on May 7, 2022.

A True Copy Attest:


Elizabeth Gaffey
Town Clerk