

**TOWN OF LITTLETON**  
**PERSONNEL BYLAW**

**§ 33-1. AUTHORIZATION; APPLICABILITY; AMENDMENT**

Pursuant to the authority contained in Article LXXXIX of the Constitution of the Commonwealth and Sections 108A and 108C of Chapter 41 of the General Laws, the Town of Littleton establishes the following plans consolidated in this Personnel Bylaw, which may be amended from time to time by vote of the Town at Town Meeting:

- A. Authorizing a Classification Plan classifying positions into groups and classes doing substantially similar work or having substantially equal responsibilities; such Plan shall include all Town positions other than those filled by popular election, those under the jurisdiction of the School Committee, those of the Light and Water Departments, those covered by collective bargaining agreements with the Town, and those with individual employment contracts with the Town;
- B. Authorizing a Compensation Plan for positions in the Classification Plan;
- C. Providing for the administration of said Classification and Compensation Plans;
- D. Establishing certain working conditions and fringe benefits for employees occupying positions in the Classification Plan.

The rights afforded herein shall be construed to be in addition to those rights secured by state and federal laws and regulations.

The Personnel Bylaw, including the Classification and Compensation Plans, may only be amended by Town Meeting vote, except for temporary amendments authorized herein. The Personnel Advisory Committee shall review and make recommendations to the Select Board on all proposed amendments. Further, the Personnel Advisory Committee, of its own motion at Town Meeting, may propose an amendment.

Notwithstanding Town Meeting's authority for amendments, the Select Board may make temporary amendments to the Classification and Compensation Plans pending Town Meeting action provided they first consider the Personnel Advisory Committee's recommendations on such action.

The Classification and Compensation Plans are hereby incorporated by reference into this Personnel Bylaw.

**§33-2. PERSONNEL ADVISORY COMMITTEE – MEMBERSHIP; APPOINTMENTS; TERMS**

The Town establishes a Personnel Advisory Committee whose role is defined in §33-5.

The Personnel Advisory Committee shall consist of residents of the Town, with preference to those who have human resources and/or municipal experience.

All appointments to the Personnel Advisory Committee shall be made by the Select Board for three-year overlapping terms so arranged that the term of at least one member shall expire each year.

### **§33-3. PERSONNEL ADVISORY COMMITTEE – ORGANIZATIONAL STRUCTURE**

The Personnel Advisory Committee shall have a Chairperson who shall preside over meetings, a Vice Chair who shall take over for the Chairperson in that person's absence, and a Clerk who shall assume administrative duties as needed. The membership shall vote on these positions.

### **§33-4. PERSONNEL ADVISORY COMMITTEE – MEETINGS**

- A. The Personnel Advisory Committee shall meet at least quarterly.
- B. The Personnel Advisory Committee shall meet jointly with the Select Board and the Finance Committee as necessary or at least annually.
- C. On or before January 1<sup>st</sup> of each fiscal year, the Personnel Advisory Committee shall meet with the Select Board to discuss any proposed changes and any other matters related to the Classification and Compensation Plans for the forthcoming year.
- D. The Personnel Advisory Committee shall follow all Open Meeting Law requirements.

### **§33-5. PERSONNEL ADVISORY COMMITTEE – PURPOSE/ROLE**

The purpose of the Personnel Advisory Committee is to provide to the Town's decision makers personnel-related knowledge, critical thinking, feedback, and analysis for the positions covered by the Personnel Bylaw. The members of the Personnel Advisory Committee shall advise and provide support as needed on:

- 1) The content of the Personnel Bylaw;
- 2) The classification and compensation of positions;
- 3) The development, maintenance, and modification of personnel policies, including the Employee Handbook; and
- 4) Matters related to human resources and personnel as requested by the Town Administrator or Human Resources Director.

### **§33-6. EMPLOYMENT-AT-WILL; NON-DISCRIMINATION**

The Town adheres to the policy of employment-at-will, which permits the Town or the employee to terminate the employment relationship at any time. Unless otherwise informed by written contract, Town employees are all employees-at-will.

In all personnel matters, the Town is committed to continuing its policy of not discriminating against any person on any legally recognized basis.

## **§33-7. DEFINITIONS**

As used in the Personnel Bylaw, the following terms shall have the meaning indicated:

- A. Appointment - The assignment of a person to a position in service of the Town as executed by the Appointing Authority.
- B. Appointing Authority - Any person(s), Board, Committee, Commission, or Trustees who has the right to hire or discharge employees.
- C. Classification - A group of positions determined to be sufficiently similar in respect to duties, responsibilities, qualifications, and other job characteristics.
- D. Classification Plan - Groupings of all positions pursuant to §33-1 of this Bylaw, which is used in conjunction with a compensation system.
- E. Compensation Plan - Specified ranges of pay established in accordance with §33-1 of this Bylaw for each position classification included in the Classification Plan.
- F. Continuous Employment - Employment which is uninterrupted except for authorized leave, whether paid or unpaid.
- G. Employee - Any person who is paid by the Town for services rendered to the Town, and holds a position covered by the provisions of this Personnel Bylaw as defined in §33-1, A.
- H. Grade - A grouping within the Classification and Compensation Plan to which a common pay range is applied.
- I. On-Call Employment - Employment with the Town to provide services on an irregular, as-needed basis.
- J. Position - A job in Town service with a set of assigned duties and responsibilities.
- K. Range - The minimum and maximum pay rates for a particular grade.
- L. Rate - An amount of money designated as base compensation for personal services on an hourly, daily, weekly, monthly, annual, or another basis.
- M. Temporary Employment - Employment with the Town that is for a limited amount of time or for a specified assignment that will not require the services on an ongoing basis (includes seasonal positions, which do not exceed six (6) continuous months of employment, and project-based positions).
- N. Step Rate - A specified rate within a pay range.
- O. Town - The Town of Littleton, Massachusetts.

## **§33-8. PROFESSIONAL DEVELOPMENT**

The Town is committed to providing the highest levels of excellence in the provision of all service. In order to sustain this level of excellence, it is imperative that the department/employee retain the highest levels of performance and adaptability in a changing work environment.

### **§33-9. CLASSIFICATION PLAN**

Every position of the Town, except those specifically excluded in §33-1, shall be classified and uniformly grouped in a Classification Plan based on duties, responsibilities, required qualifications, and other job characteristics. No person shall be appointed or employed as a Town employee under any classification other than that which has been approved for the position in accordance with this Personnel Bylaw.

The Human Resources Department shall use standard procedures for evaluating each position classification, obtaining Personnel Advisory Committee review and recommendations, presenting classification recommendations to the Select Board for approval, and bringing Classification Plan amendments forward to Town Meeting for vote. Position re-evaluation may occur at such times and intervals as the Town Administrator approves based on recommendations of the Human Resources Director and Personnel Advisory Committee and subject to available resources.

The Select Board shall approve all assignments of a position to a classification. If a new or changed position requires establishment of classification not included in the Classification Plan, the Select Board may temporarily authorize the action until such time as Town Meeting can vote on recommended amendments.

All classification actions that impact employee compensation are subject to appropriation of funds.

### **§33-10. JOB DESCRIPTIONS**

The Human Resources Department shall maintain written descriptions for all positions in the Classification Plan. The descriptions shall identify the essential functions of the positions and additional information as the Human Resources Director and Personnel Advisory Committee deem appropriate. Appointing Authorities are responsible for providing the Human Resources Department and Personnel Advisory Committee with the necessary information for preparation and maintenance of the descriptions. The Town Administrator, with advice of the Human Resources Director and Personnel Advisory Committee, shall determine the process for job description approval.

The description of any position shall be construed solely as a means of identification. It shall not limit the duties and responsibilities of any position or modify, or in any way affect, the power of any Authority to assign similar or related duties to, or to direct and control the work of, any employee under the jurisdiction of such Authority.

### **§33-11. COMPENSATION PLAN**

The Compensation Plan, adopted and amended in accordance with §33-1, shall consist of the minimum and maximum pay rates by grade for all positions in the Classification Plan. All employees shall be compensated in accordance with the pay rates specified in the Compensation Plan except in the case of a personal rate as set forth in §33-15.

The Personnel Advisory Committee will annually consider the Compensation Plan and make recommendations for adjustments in accordance with §33-1. The Town Administrator will also consider and make recommendations for adjustments as part of the budget process.

If a new or changed position requires establishment of a pay rate not included in the Classification Plan, the Select Board may temporarily authorize an amendment until such time as Town Meeting can vote on an amended Plan.

All actions that impact employee compensation are subject to appropriation of funds.

### **§33-12. STEP INCREASES**

Step increases will be awarded on an annual basis to those who are regularly employed and achieve a satisfactory or greater performance rating for the past year. Provisions for additional step increases, and step increases for those with on-call, temporary, and other employment, may be established within the Employee Handbook. When an employee reaches the top step of the grade they will no longer be eligible for a step increase.

### **§33-13. BENEFITS**

The policies and procedures for the benefits such as, but not limited to holidays, vacation leave, sick leave, longevity pay, health insurance, and life insurance shall be contained within the Employee Handbook.

### **§33-14. EMPLOYEE HANDBOOK**

The Human Resources Department will maintain an Employee Handbook that provides an overview of personnel policies and practices of the Town. Such Handbook may expand upon but not be inconsistent with this Personnel Bylaw. The Town Administrator, with the advice of the Human Resources Director and Personnel Advisory Committee and approval of the Select Board, may amend the Employee Handbook.

The Employee Handbook will be reviewed on a regular basis by Human Resources Department staff and the Personnel Advisory Committee to ensure compliance with various labor laws and regulations and to ensure benefits reflect market conditions and consistency among all Town employees.

### **§33-15. PAY RATE UPON NEW APPOINTMENT OR POSITION RECLASSIFICATION**

The Town Administrator, based on recommendations of the Appointing Authority and Human Resources Director and subject to Select Board approval in cases described herein, shall determine the starting/new rate of pay for:

- 1) New employees;
- 2) Current employees who are appointed to a different position than that which they have held (e.g., through promotion, transfer, demotion, or other actions); and
- 3) Current employees whose position is reclassified, subject to the personal rate provisions below.

Such rates must be consistent with the pay ranges contained within the Classification and Compensation Plan and should reflect a systematic approach that considers past service to the

Town and the pay of other employees who perform comparable work. Employees' education, training, or experience may be taken into consideration if such qualifications are reasonably related to the job and would help them to perform it in a more efficient or more effective manner.

Select Board approval of the pay rate is required if it exceeds the midpoint of the position's pay range.

Personal Rate: Notwithstanding the maximum rates established by the Compensation Plan, if an employee's position is reclassified to a grade with a maximum that is less than the employee's current pay rate, the employee's pay shall not decrease; this includes a case where Town Meeting does not approve a temporary Plan amendment made by the Select Board in accordance with §33-9. A personal rate, which only applies to the incumbent, shall be in effect. When the incumbent leaves the employ of the Town, is appointed to another position, or a new maximum higher than the personal rate is established, the personal rate shall no longer be in effect. No other employee assigned to or hired for such position shall advance beyond the maximum rate of the classification.

### **§33-16. TEMPORARY ASSIGNMENT TO POSITION IN HIGHER GRADE**

With the advanced approval of the Town Administrator, employees are eligible for a temporary increase in pay under the following conditions:

1. The employee is temporarily assigned to perform the majority of the significant duties and responsibilities, as determined by the Town Administrator, of a position in a higher grade;
2. The temporary assignment is for a period of six (6) or more consecutive workdays; and
3. The employee's position does not routinely assume acting responsibilities in the absence of their supervisor; however, the Town Administrator may waive this condition.

The temporary increase in pay will be:

1. Only effective during the temporary assignment;
2. At least the minimum of the assigned position's grade; and
3. At least 10% over the employee's current rate of pay, subject to the maximum pay for the classification of the temporary position.

### **§ 33-17. PERFORMANCE EVALUATIONS**

Employees who are continuously employed for at least one year shall have a performance evaluation annually.

### **§ 33-18. REDUCTION IN FORCE (RIF)**

In the event that it becomes necessary to reduce the number of employees or their hours under the Personnel Bylaw, the Town of Littleton, in determining which of its employees' services are to be terminated or reduced, will take into consideration the departmental needs, the qualifications of such employees and the quality of their past performance.

Where, in the opinion of the appointing authority, the qualifications and quality of performance of employees are equal, employees will be laid off in the order of the least service as employees of the department.

The employee will be notified whenever possible four (4) weeks in advance of the layoff or reduction in schedule, insofar as practicable.

- A. An employee who has been laid off shall be entitled to recall rights to this same position for a period of two (2) years from the effective date of their layoff.
- B. An employee recalled within one year of his/her day of layoff will return with service accrued up to the time of the layoff.
- C. Recall notices shall be sent via certified or registered mail. Laid-off employees are required to keep the Town informed of their current mailing addresses.
- D. An employee who is recalled must report to work within 14 calendar days of the date of mailing the recall notice or some other mutually agreed upon time.

### **§33-19. SEVERABILITY**

In the event that any provision of this chapter, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this chapter.