

Personnel Bylaw

Voted November 24, 1987, Article 2; Approved by the Attorney General December 21, 1987; Posted December 28, 1987; Amended April 26 & 28, 1987

Voted April 26 & 28, 1994, Article 59; Voted April 29 & 30 & May 1, 1997, Article 45 Does not require review by Attorney General (G.L.c.41, s108A & 108C)

Chapter 41: Section 108C. By-laws pertaining to administration of personnel; consolidation.

Section 108C. A town may consolidate, in a single chapter or article, all provisions of its by-laws pertaining to the administration of its personnel, including, among other things, the compensation plan established pursuant to paragraph (b) of section five of chapter thirty-one, the plans established pursuant to section one hundred and eight A of this chapter, and any by-laws adopted pursuant to section twenty-one A of chapter forty, and may provide by by-law for the establishment of a personnel board or other agency for the purpose of administering said plans or other provisions of its by-laws pertaining to personnel, determining any questions arising thereunder, and advising the town in any matters pertaining thereto; provided, however, such consolidated by-law shall not be subject to the approval of the attorney general as provided in section thirty-two of chapter forty.

Amended April 9, 2002, Article 11

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Section 1. Purpose and Authorization

The purpose of the personnel bylaw is to establish a fair and equitable system of personnel administration based on merit principles that ensures a uniform and efficient application of personnel policies for the town of Tisbury. It shall further be the purpose of the Personnel Board to continually review and consider amendments to this Personnel Bylaw for recommendation to Town Meeting. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Law, chapter 41, sections 108A and 108C.

Section 2. Application

All town departments and positions shall be subject to the provisions of this bylaw except elected officers and employees of the school department.

Section 3. PERSONNEL SYSTEM

The Personnel Board shall be responsible for the establishment and maintenance of a personnel system based on merit principles, a classification plan, the development of an annual compensation plan, the adjustment of grievances, and the development of personnel policies pursuant to section 4 of this by-law. The personnel system shall made use of modern concepts of personnel management and shall include but not be limited to the following elements:

(a) Method of administration. The executive secretary shall act as the personnel director of the town.

The Personnel Director shall be responsible for a system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, evaluating the personnel system, and development of a disciplinary policy and grievance procedure. In the capacity of Personnel Director, the Executive Secretary shall only report to and be administratively responsible to the Personnel Board. The Personnel Board shall participate in and contribute to any employment evaluation process of the executive secretary and shall be the sole determination as to any review of the Personnel Director.

(b) Classification Plan. A position classification plan for all employees subject to this bylaw shall be established, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonable required for, and the same schedule of pay may be equitably applied to, all positions in the same class. No employee may be appointed to a position not included in the classification plan.

(c) A Compensation Plan. A compensation plan for all positions subject to this bylaw shall consist of: (1) a schedule of pay grades including minimum, maximum and intermediate rates for each grade; and (2) an official list indicating the assignment of each position to specific pay grades.

(d) A Recruitment and Selection Policy. A recruitment, employment, promotion and transfer policy which ensures that reasonable effort is made to attract qualified persons and that selection criteria are job related, and which is in conformity with all current Executive Orders on Affirmative Action.

(e) Disciplinary Policy and Grievance Procedure. A disciplinary policy which is reasonable and a method of addressing grievances resulting from improper application of personnel policies or disciplinary procedures.

(f) Personnel Policies. A series of personnel policies which establishes the rights, and benefits to which personnel employed by the town are entitled and the obligations of said employees to the town.

(g) Personnel Records. A centralized record keeping system which maintains essential personnel records.

(h) Other elements. Other elements of a personnel system as deemed appropriate or required by law.

The Personnel Board shall maintain, in writing, the Classification Plan and Compensation Plan described in subparagraphs (b) and (c) above. Neither of said plans shall apply to employees who are covered by a collective bargaining agreement or a personal employment contract. The Personnel Board shall annually review both Plans and shall prepare, for inclusion in the warrant for the Annual Town Meeting, a compensation plan to be effective for the ensuing fiscal year and any revisions to the Classification Plan. The Compensation Plan and revisions to the Classification Plan shall be subject to approval by Town Meeting, by majority vote. The Compensation Plan and the Classification Plan may also be amended at any Special Town Meeting.

SECTION 4. ADOPTION AND AMENDMENT OF PERSONNEL POLICIES

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

(a) Preparation of Policies. The Personnel Director on behalf of the Personnel Board shall prepare policies or amendments to policies. Any person may propose a new policy or an amendment to existing policies to the Personnel Board. The Personnel Board need not consider any proposal already considered in the preceding twelve months. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy to the Personnel Director in writing. The Personnel Board shall hold a public hearing on any proposed policies or amendments. Any proposed policies or amendments shall be posted at least ten days prior to the public hearing in prominent work locations. Copies of all proposals shall be provided to representatives of each employee collective bargaining unit.

(b) Public Hearing. The Personnel Director shall present the proposed policy or amendment to a policy at a public hearing. Any person may attend the hearing, speak and present information. Within twenty days after such public hearing, the Personnel Board shall state the effective date of all policies or amendments adopted.

(c) Posting of Policies. The Personnel Director shall post the text of the proposed or amended policy and an explanation of the policy in prominent work locations.

(d) Computation of Time. In computing time (days) under this bylaw only business days shall be counted.

SECTION 5. SEVERABILITY

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

SECTION 6. EFFECTIVE DATE

This bylaw shall take effect upon the earlier of July 1, 1994 or upon the appointment of at least three (3) members to the Personnel Board.

SECTION 7. CREATION

The Personnel Board shall consist of three members, one appointed by the Finance and Advisory Committee, one appointed by the Board of Selectmen and one appointed by the Town Clerk. No appointee shall be an full time employee of the Town during his term of office nor shall an appointee have been an full time employee of the Town within the thirty days prior to appointment.

No member shall be eligible for membership on the Personnel Board who holds any other elective office, is a full time Town of Tisbury employee, or who holds any appointive office for which a full time salary is received.

Members shall serve for terms of three (3) years, commencing at the start of the fiscal year. Of the members first appointed, one shall serve for a term of three years; one shall serve for a term of two years; and one shall serve for a term of one year as follows:

Finance and Advisory Committee appointee
Board of Selectmen appointee
Town Clerk appointee

Thereafter, each member shall serve for a term of three years. In the event of any vacancy, for any reason, prior to the expiration of the term of appointment, that vacancy shall be filled by appointment of the appointing entity for that member's position.

SECTION 8: QUORUM

A quorum of the Personnel Board shall be fixed at two (2) members.