



Town of Berlin

Personnel By-Law

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Section 1 – Purpose and Authorization

The purpose of the personnel bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensures a uniform, fair and efficient application of personnel policies. 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 employees with personal contracts, employees of the school department, elected officials, and those employees covered by collective bargaining agreements unless otherwise requested.

Section 3 – Personnel Committee

Composition, Mode of Selection, Term of Office, Qualifications.

The Board of Selectmen shall appoint a Personnel Committee consisting of three registered voters of the Town, to be appointed for three-year staggered terms. No members of the Personnel Committee may be an employee of the Town nor hold Town office, whether elected or appointed. Whenever possible, the Selectmen will appoint members possessing a professional personnel background. Members of the Personnel Committee shall serve without compensation.

The Personnel Committee shall annually elect a Chairman and other officers as the Board so determines from its membership at the first meeting following the appointment of new members.

Any two members of the board shall constitute a quorum for the transaction of business. Action by a majority of those Board members present shall be binding.

Powers and Duties

The board shall be responsible for establishment and maintenance of a personnel system based on merit principles, the classification and reclassification of positions, an annual compensation plan, and the development of personnel policies pursuant to section 5 of this bylaw.

The board shall be authorized to adopt reasonable rules and regulations for the proper administration of this By-law. The Personnel Committee shall meet with representative groups of employees at least once annually to discuss employee concerns about salary, fringe benefits and the administration of the Bylaw.

Section 4 – Personnel System

A personnel system shall be established by promulgation of policies and rules and regulations pursuant to section 5. The personnel system shall make use of current concepts of personnel management and shall include but not be limited to the following elements:

Method of Administration.

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, maintaining a problem resolution system, and evaluating the personnel system.

Classification and Compensation.

A classification and compensation plan for all employees, subject to this bylaw and subject to appropriation, shall be established to include, but not be limited to the following parameters:

- Fully qualified and performing employees should be compensated at a rate so to be able to attract and maintain qualified and competent employees.
- As employees master their work, they should be rewarded for skill development and performance.

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.

Personnel Records

A centralized record keeping system, which maintains essential personnel records.

Personnel Policies

A series of personnel policies, including rules and regulations, which establishes the rights, and benefits to which personnel employed by the Town are entitled and the obligations of said employees to the Town.

Standards of Conduct

A set of codes governing an employee's standards of conduct.

Other Elements

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

Section 5 – Adoption and Amendment of Personnel Policies

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

Preparation of Policies

The Personnel Committee shall prepare policies or amendments to policies. Any member of the Board of Selectmen, Personnel Committee, the Administrative Assistant, or any three employees may suggest policies for consideration by the Personnel Committee. The Personnel Committee 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 Committee in writing. The Personnel Committee shall hold a public hearing on any proposed policies or amendments. Any proposed policies or amendments shall be posted at least five (5) 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, and a copy shall be submitted to the Board of Selectmen

Public Hearing

The Personnel Committee shall present the proposed policy(ies) or amendment(s), the purpose of the proposal, and the implication of any proposed change at the public hearing. Any person may attend the hearing, speak and present information. Within thirty-one (31) days after such public hearing the Personnel Committee shall consider the proposed policies and may vote to recommend that the Board of Selectmen adopt the policies, (with or without modifications), reject the policies, or indicate that further study is necessary.

Recommended Policies

The Personnel Committee shall transmit recommendations in writing to the Board of Selectmen within twenty (20) days of any vote on proposed personnel policies or amendments. The recommendations from the Personnel Committee shall contain the text of the proposed policy or amended policy, an explanation of the policy and the implications of the policy. The Board of Selectmen shall only consider proposals with a recommendation of the Personnel Committee, unless the Personnel Committee fails to provide a recommendation within twenty (20) days, and may adopt, reject or return recommendations for further action to the Personnel Committee. Policies shall become effective upon approval of the Board of Selectmen, unless some other date is specified.

Computation of Time

In computing time (days) under this bylaw only Town Hall working days shall be counted.

Section 6 – Employee Benefits

The benefits covered by this By-law shall be based on the following elements supplemented by the development of policies pursuant to section 5 of this bylaw:

Vacation

Employees are entitled to vacation each year based on the amount of continuous service originating with date of hire using the following schedule:

1 year of service	1 week per year
2 years of service	2 weeks per year
7 years of service	3 weeks per year
15 years of service	4 weeks per year
20 years of service	5 weeks per year

Sick Days

The Town recognizes from time to time that an employee may be absent due to illness and therefore has established that an employee may accumulate sick leave at the rate of 10 days per year to provide economic security.

Other Excused Absences

Absences with pay may be approved by supervisors without charge to vacation for Court Leave, Military Leave, Bereavement Leave (no more than 3 days), voting (when not practicable to vote otherwise), and Emergencies.

Leave Without Pay

A temporary non-pay status and absence from work granted by the Town at the employee's request.

Long-Term Disability

Employees will accrue 1/2 day per month for each month an employee works and can be accumulated to a maximum of ninety (90) days. Employees are required to utilize their sick time first. A physicians certificate will be required.

Holidays

The following shall be considered holidays:

New Year's Day	Independence Day
Martin Luther King Day	Labor Day
Presidents Day	Columbus Day
Patriot's Day	Veteran's Day
Memorial Day	Thanksgiving Day
	Christmas Day

Worker's Compensation

An employee who by reason of an industrial accident receives statutory compensation may receive in addition, the amount necessary to make up his regular weekly compensation only to the extent of the person's accumulated sick and vacation time applied on a pro rata basis.

Section 7 - 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 this bylaw or regulations shall not be affected thereby.

Section 8 - Effective Date

This bylaw shall take effect on (insert date here). Personnel policies existing prior to said date will remain in effect for at least one hundred and eighty (180) days from said date and until promulgation of new policies in accordance with Section 5 herein.