**Article VIII – Personnel Bylaw**

SECTION 1 - PURPOSE AND APPLICATION

The purpose of the Town of Berlin Personnel Bylaw is to establish a fair, equitable and efficient system of personnel administration for Town employees. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth, Massachusetts General Law, Chapter 41, Sections 108A and 108C, and Chapter 384 of the Acts of 2018.

All Town departments and positions shall be subject to the provisions of this bylaw except elected officers, employees with personal contracts, and employees covered by collective bargaining agreements. If any provision or application of this bylaw is determined to be invalid under state or federal law, the remaining provisions of this bylaw shall not be affected thereby.

SECTION 2 - PERSONNEL COMMITTEE

The Select Board 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 Select Board will appoint members possessing a professional personnel background. Members of the Personnel Committee shall serve without compensation. The Personnel Committee shall annually elect a Chair and other officers as the Board so determines from its membership at the first meeting following the appointment of new members. The Personnel Committee shall keep a record of its official proceedings and actions and may, subject to appropriation therefore, make such expenditures as may be necessary to perform their duties. Any two members of the Committee shall constitute a quorum for the transaction of business. Action by a majority of those Board members present shall be binding.

SECTION 3 – DUTIES OF THE PERSONNEL COMMITTEE

The Personnel Committee and the Town Administrator shall adopt and maintain personnel policies and procedures as needed to implement and interpret the provisions of the Personnel Bylaw. Employees shall be provided an opportunity to review and comment on any proposed personnel policy that could have a significant impact on the conditions of their employment. The Personnel Committee shall be authorized to adopt reasonable rules and regulations for the proper administration of this bylaw.

SECTION 4 - PERSONNEL SYSTEM

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

(a) 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.

(b) 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. The classification plan shall consist of a listing of all approved positions, classification titles and job descriptions for each classification.

(c) Job Descriptions. The Town Administrator shall prepare and maintain job descriptions for all positions in the Classification Plan. Such descriptions shall consist of a statement describing the essential nature and level of the work performed by positions in each classification; illustrative examples of typical tasks and duties assigned; and the required or desirable qualifications for the position. All job descriptions shall be reviewed and approved by the Personnel Committee and Select Board.

(d) Recruitment and Selection Policy. A recruitment, selection, promotion and transfer policy which ensures that reasonable effort is made to attract qualified persons and that selection criteria are job related.

(e) Personnel Records. A centralized record keeping system which maintains essential personnel records with the Town Administrator.

(f) 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.

(g) Standards of Conduct. A set of codes governing an employee’s standards of conduct.

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

SECTION 5 - ADOPTION AND AMENDMENT OF PERSONNEL POLICIES

The Select Board 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:

(a) Preparation of Policies. The Personnel Committee shall work with the Town Administrator to prepare policies or amendments to policies. Any member of the Select Board, Personnel Committee, the Town Administrator, or any three (3) 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 and Town Administrator in writing. The Personnel Committee shall hold a public hearing on any proposed policies or amendments, which shall be posted at least seven (7) calendar 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 submitted to the Select Board.

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

(c) Recommended Policies. The Personnel Committee in consultation with the Town Administrator, shall transmit recommendations in writing to the Select Board within twenty (20) days of any vote on proposed personnel policies or amendments. The recommendations shall contain the text of the proposed policy or amended policy, an explanation of the policy and the implications of the policy. The Select Board shall only consider policy proposals with a recommendation of the Personnel Committee and Town Administrator, unless they fail to provide a recommendation within twenty (20) days, and may adopt, reject or return recommended policies for further action to the Personnel Committee and Town Administrator. Policies shall become effective upon approval of the Select Board, unless the Board specifies another date.

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

SECTION 6 - EMPLOYEE BENEFITS

Employee benefits, including paid vacation, sick leave, and holidays, shall be established and governed by policies adopted pursuant to SECTION 5 of this bylaw.

SECTION 7 - SEVERABILITY

If any provision of this bylaw, or policy or regulation adopted hereunder is held invalid, the remaining provisions of this bylaw, policy or regulation shall not be affected thereby.

SECTION 8 - EFFECTIVE DATE

This bylaw shall take effect on July 1, 2022. 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 final adoption of new policies in accordance with SECTION 5 herein.

**The text of the current bylaw, *Article VIII – Personnel and Procedures* of the Town of Berlin General Bylaws, is available online at** [**https://www.townofberlin.com/sites/g/files/vyhlif4156/f/uploads/town-by-laws-feb\_16\_2022.pdf**](https://www.townofberlin.com/sites/g/files/vyhlif4156/f/uploads/town-by-laws-feb_16_2022.pdf) **and in hard copy in the office of the Town Clerk at 23 Linden Street, Berlin.**